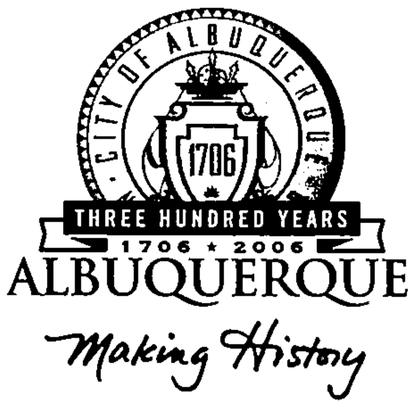
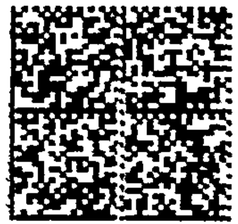
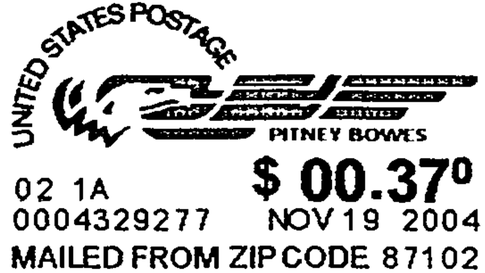
CITY OF ALBUQUERQUE







Zoning Enforcement

600 2nd St., NW - 7th Flr.

Albuquerque, NM 87102

DENNIS MILLER
Alvarado Park Neigh. Assoc.
5706 BELLAMAH NE
ALBUQUERQUE NM 87110

ALVA706 871103019 1N 11 11/26/04
RETURN TO SENDER

NO FORWARD ORDER ON FILE
UNABLE TO FORWARD
RETURN TO SENDER

87110+5220 31

CITY OF ALUBQUERQUE
PLANNING DEPARTMENT
July 21, 2004
Development Review Board
Comments

ITEM # 13

PROJECT # 1002337 APPLICATION # 04-01089

RE: Hunt-Spectrum/Winrock Addition/minor plat

No objection to the requested platting action once the current zoning is added as a note on the plat.

AGIS dxf approval is required before Planning signs the plat.

Planning must file the plat.

Sheran Matson, AICP DRB Chair
924-3880 Fax 924-3864 smatson@cabq.gov

CITY OF PLANNING
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST

Meeting Date: DECEMBER 8, 2004
Zone Atlas Page: J-19-Z
Notification Radius: 100 Ft.

Project# 1002337
App# 04DRB-01758

Cross Reference and Location:

Applicant: HUNT UPTOWN II, LLC
Address: 4401 N. MESA, STE# 201
EL PASO TX 79902

Agent: BOHANNAN HUSTON, INC.
Address: 7500 JEFFERSON ST. NE
ALBUQUERQUE NM 87109

Special Instructions:

Notice must be mailed from the
City's 15 day prior to the meeting.

Date Mailed: NOVEMBER 19, 2004

Signature: KYLE TSETHLIKAI

App#_____
Proj#_____

PROPERTY OWNERSHIP / LEGAL LIST

Date:_____

Page 1 Of 1

Zone Atlas Page	Zone Atlas #	Grid Location	Parcel Sequence	Name & Address			
J-19 ****	1019058	048-497	204-14	✓			
		130-480	101	✓			
		100-455	051	✓ mp			
		170-450	01K1	✓ mp			
		135-510	04K1	✓ mp			
H-19	1019059	101-022	317-01	✓ mp			
		125-053	02	✓ mp			
		051-050	301-34	✓ mp			
H-18	1018059	497-034	405-11	✓			
J-18	1018058	507-518	116-22	✓			
		508-477	18	✓ mp			
		511-481	17	✓ mp			
		505-465	15	✓			
		473-432	115-19	✓			

<mainframe@coa1mp3.cabq.gov>
11/16/2004 02:09 PM

To:
cc:
cc:
Subject:

1 R E C O R D S W I T H L A B E L S PAGE
1

01019058 *** THIS UPC CODE HAS NO MASTER RECORD ON FILE
0101905804849720414 LEGAL: TRAC T A IN NW NW NW OF SECTION 18 T10N R4E AKA
MON LAND USE:
PROPERTY ADDR: 00000 LOUISIANA
OWNER NAME: HUNT UPTOWN II LLC
OWNER ADDR: 01801 WYOMING AV
EL PASO TX 79902
0101905813040020410L1 LEGAL: PARC EL A -1-A OF PARCEL A-1-A WINROCK CENTER
ADD'N LAND USE:
PROPERTY ADDR: 00000 LOUISIANA
OWNER NAME: PRUWINROCK LLC
OWNER ADDR: 00002 RAVINIA DR
ATLANTA GA 30346
0101905810043520405L1 LEGAL: PARC EL A -3 PLAT OF PARCELS A-1 THRU A-3 &
PARCEL C LAND USE:
PROPERTY ADDR: 00000 LOUISIANA
OWNER NAME: PRUDENTIAL INSURANCE CO OF AME
OWNER ADDR: 00002 RAVINIA DR
ATLANTA GA 30346
0101905817045020406L1 LEGAL: PARC EL A -2 PLAT OF PARCELS A-1 THRU A-3 &
PARCEL C LAND USE:
PROPERTY ADDR: 00000 LOUISIANA
OWNER NAME: PRUDENTIAL INSURANCE CO OF AME
OWNER ADDR: 00002 RAVINIA DR
ATLANTA GA 30346
0101905813551020404L1 LEGAL: PARC EL C -2A PLAT OF PARCELS A-1 THRU A-3 7
PARCEL LAND USE:
PROPERTY ADDR: 00000 WINROCK CENTER
OWNER NAME: PRUDENTIAL INSURANCE CO OF AME
OWNER ADDR: 00002 RAVINIA DR
ATLANTA GA 30346
0101905910102231701 LEGAL: TRAC T B- 1 PLAT OF TRACTS A-1, B-1 & B-2 ST PIUS
X LAND USE:
PROPERTY ADDR: 00000 LOUISIANA
OWNER NAME: HUNT UPTOWN DEVELOPMENT LLC
OWNER ADDR: 04401 NORTH MESA
EL PASO TX 79902
0101905912505331702 LEGAL: TRAC T B- 2 PLAT OF TRACTS A-1, B-1 & B-2 ST PIUS
X LAND USE:
PROPERTY ADDR: 00000 LOUISIANA
OWNER NAME: HUNT UPTOWN DEVELOPMENT LLC
OWNER ADDR: 04401 NORTH MESA
EL PASO TX 79902
0101905905105030134 LEGAL: TRAC T A- 1 PLAT OF TRACTS A-1, B-1 & B-2 ST PIUS
X LAND USE:
PROPERTY ADDR: 00000 LOUISIANA
OWNER NAME: HUNT UPTOWN DEVELOPMENT LLC
OWNER ADDR: 04401 NORTH MESA
EL PASO TX 79902

0101805949703440511 LEGAL: TR D -1-A PLAT OF TR D-1-A & ROW TR D-1-B UNIT 1-A LAND USE:

PROPERTY ADDR: 00000 LOUISIANA
OWNER NAME: CITY PLACE LLC
OWNER ADDR: 00010 TRAMWAY LP NE
ALBUQUERQUE NM 87122

0101805850751811622 LEGAL: TRAC T 1- D-1A1 PLAT OF TR 1-D-1A1 PARK SQUARE ADDN LAND USE:

PROPERTY ADDR: 00000 INDIAN SCHOOL
OWNER NAME: MELLON PIER I PROP LTD PTNS
OWNER ADDR: ~~00000~~ Po Box 1600
ROWLETT TX 75030

0101805850849711618 LEGAL: TRAC T 1- E-1A-1 PARK SQUARE ADDN PLAT OF TRS 1-C-1A LAND USE:

PROPERTY ADDR: 00000 LOUISIANNA
OWNER NAME: HUB ACQUISITION TRUST
OWNER ADDR: 00400 CENTRE ST
NEWTON MA 02458

0101805851148111617 LEGAL: TRAC T 1- H-1A PARK SQUARE ADDN PLAT OF TRS 1-C-1A, LAND USE:

PROPERTY ADDR: 00000 LOUISIANA
OWNER NAME: HUB ACQUISITION TRUST
OWNER ADDR: 00400 CENTRE ST
NEWTON MA 02458

0101805850546511615 LEGAL: TR 1 -F R EPL OF TRS 1-A-1, 1-B-1, 1-C-1, 1-D-1A, 1- LAND USE:

PROPERTY ADDR: 00000 LOUSIANA
OWNER NAME: EQUI-PARK SQUARE ASSOC
OWNER ADDR: 02105 LOUISIANA BL NE
ALBUQUERQUE NM 87110

0101805847343211519 LEGAL: TR 2 B PL AT OF TR 2A & 2B PARK SQUARE LAND USE:

PROPERTY ADDR: 00000 LOUISIANA
OWNER NAME: CONNECTICUT GENERAL LIFE INSUR
OWNER ADDR: 00001 MARRIOTT DR
WASHINGTON DC 20058

.
QUIT

UPTOWN NEIGHBORHOOD ASSOCIATION LIST

(as of June 14, 2004)

Alvarado Park Neighborhood Association "R"

Gene Tatum
1916 Madeira NE/87110 255-1960 (h)

Dennis Miller
5706 Bellamah NE/87110 252-9774 (h)

Classic Uptown Neighborhood Association "R"

David Stafford
2812 San Pablo NE/87110 681-4082 (h)

Colin Hallaman
2701 Chama NE/87110 884-3873 (h)

East End Historical and Cultural Neighborhood Association "R"

Stephen Anderson
1010 Virginia St. NE/87110 256-2560 (h)

Vernice Spencer
1028 Vermont St. NE/87110 256-3886 (h)

Inez Neighborhood Association "R"

Evelyn B. Feltner
2014 Utah St. NE/87110 271-9027 (h)

Bette Weber
1927 Virginia St. NE/87110 292-1756 (h)

Jerry Cline Park Neighborhood Association "R"

Julie Jones
7625 Winter Ave. NE/87110 232-4638 (h)

Eric Shirley
900 Grove St. NE/87110 268-2595 (h)

Quigley Park Neighborhood Association "R"

Nancy Tecumseh
2704 Valencia NE/87110 889-3249 (h)

Winnie Schmidt
2916 Cuervo Dr. NE/87110 881-2155 (h)

New - David Young

Snow Heights Neighborhood Association "R"

Mary Tervithick
8031 Princess Jeanne NE/87110 296-0748 (h)

Joyce Mortimer
1702 Vermont NE/87110 298-0122 (h)

Winrock South Neighborhood Association "R"

Richard Peterson
1112 San Pedro NE #309/87110-6724 266-6070 (h)

Virginia Kinney
1112 San Pedro NE #309/87110-6724 255-0414 (message)

Uptown Progress Team, Inc. "R"

David Campbell
6100 Uptown Blvd. NE #500/87110 884-8444 (w)

Evelyn Carter
6501 Americas Parkway NE #1000/87110 881-5443 (w)

Zuni Neighborhood Association "R"

Mark Mathes
7413 Arvada Ave. NE/87110 888-1454 (h)

Susan McIntyre
7521 Leah Dr. NE/87110 881-0480 (h)

PLEASE NOTE: ALTHOUGH YOU ARE NOT "OFFICIALLY REQUIRED" BY THE O-92 ORDINANCE, the associations listed below are "Unrecognized" associations and don't need to be "officially" notified of the project, but as a common courtesy you are welcomed to let them know.

New Kimo Neighborhood Association

Valorie Vigil
2408 Madiera NE/87110 830-3590 (h)

Mark Trujillo
5507 Euclid NE/87110 875-0617 (h)

City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

November 8, 2004

Stephanie Stratton
Bohannan ^ Huston
7500 Jefferson St NE
Albuququerque, NM 87109
Phone: 823-1000 Fax: 798-7988

Dear Stephanie

Thank you for your inquiry of **November 8, 2004** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **Tract A, Uptown Spectrum,** zone map **J-19-Z**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

SEE "ATTACHMENT A" FOR NEIGHBORHOOD INFORMATION.

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3914 or via an e-mail message at juliaking@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Julia King

Julia King
Senior Office Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

planningrnaform(10/27/04)

Project# 1002337

HUNT UPTOWN II, LLC
4401 N. MESA, STE# 201
EL PASO TX 79902

1019058100435204O5L1

PRUDENTIAL INSURANCE CO OF AM
2 RAVINIA DR
ATLANTA GA 30346

1018058507518116 22

MELLON PIER I PROP LTD PTNS
PO BOX 1600
ROWLETT TX 75030

1018058473432115 19

CONNECTICUT GENERAL LIFE INSU
1 MARRIOTT DR
WASHINGTON DC 20058

BOHANNAN HUSTON, INC.
7500 JEFFERSON ST. NE
ALBUQUERQUE NM 87109

1019059101022317 01

HUNT UPTOWN DEVELOPMENT LLC
4401 NORTH MESA
EL PASO TX 79902

1018058508497116 18

HUB ACQUISITION TRUST
400 CENTRE ST
NEWTON MA 02458

1019058130400204 10L1

PRUWINROCK LLC
2 RAVINIA DR
ATLANTA GA 30346

1018059497034405 11

CITY PLACE LLC
10 TRAMWAY LP NE
ALBUQUERQUE NM 87122

1018058505466116 15

EQUI-PARK SQUARE ASSOC
2105 LOUISIANA BL NE
ALBUQUERQUE NM 87110

GENE TATUM
Alvarado Park Neigh. Assoc.
1916 MADEIRA NE
ALBUQUERQUE NM 87110

DENNIS MILLER
Alvarado Park Neigh. Assoc.
5706 BELLAMAH NE
ALBUQUERQUE NM 87110

DAVID STAFFORD
Classic Uptown Neigh. Assoc.
2812 SAN PABLO NE
ALBUQUERQUE NM 87110

COLIN HALLAMAN
Classic Uptown Neigh. Assoc.
2701 CHAMA NE
ALBUQUERQUE NM 87110

EVELYN B. FELTNER
Inez Neigh. Assoc.
2014 UTAH ST NE
ALBUQUERQUE NM 87110

BETTE WEBER
Inez Neigh. Assoc.
1927 VIRGINIA ST NE
ALBUQUERQUE NM 87110

JULIE JONES
Jerry Cline Park Neigh. Assoc.
7625 WINTER AVE. NE
ALBUQUERQUE NM 87110

ERIC SHIRLEY
Jerry Cline Park Neigh. Assoc.
900 GROVE ST NE
ALBUQUERQUE NM 87110

VALORIE VIGIL
New Kimo Neigh. Assoc.
2408 MADIERA NE
ALBUQUERQUE NM 87110

MARK TRUJILLO
New Kimo Neigh. Assoc.
5507 EUCLID NE
ALBUQUERQUE NM 87110

WINNIE SCHMIDT
Quigley Park Neigh. Assoc.
2916 CUERVO DR NE
ALBUQUERQUE NM 87110

NANCY TECUMSEH
Quigley Park Neigh. Assoc.
2704 VALENCIA NE
ALBUQUERQUE NM 87110

JOYCE MORTIMER
Snow Heights Neigh. Assoc.
1702 VERMONT NE
ALBUQUERQUE NM 87110

MARY TERVITHICK
Snow Heights Neigh. Assoc.
8031 PRINCESS JEANNE NE
ALBUQUERQUE NM 87110

EVELYN CARTER
Uptown Progess Team, Inc.
6501 AMERICAS PARKWAY NE, # 1000
ALBUQUERQUE NM 87110

DAVID CAMPBELL
Uptown Progess Team, Inc..
6100 UPTOWN BLVD NE, STE# 500
ALBUQUERQUE NM 87110

RICHARD PETERSON
Winrock South Neigh. Assoc.
1112 SAN PEDRO NE, # 309
ALBUQUERQUE NM 87110-6724

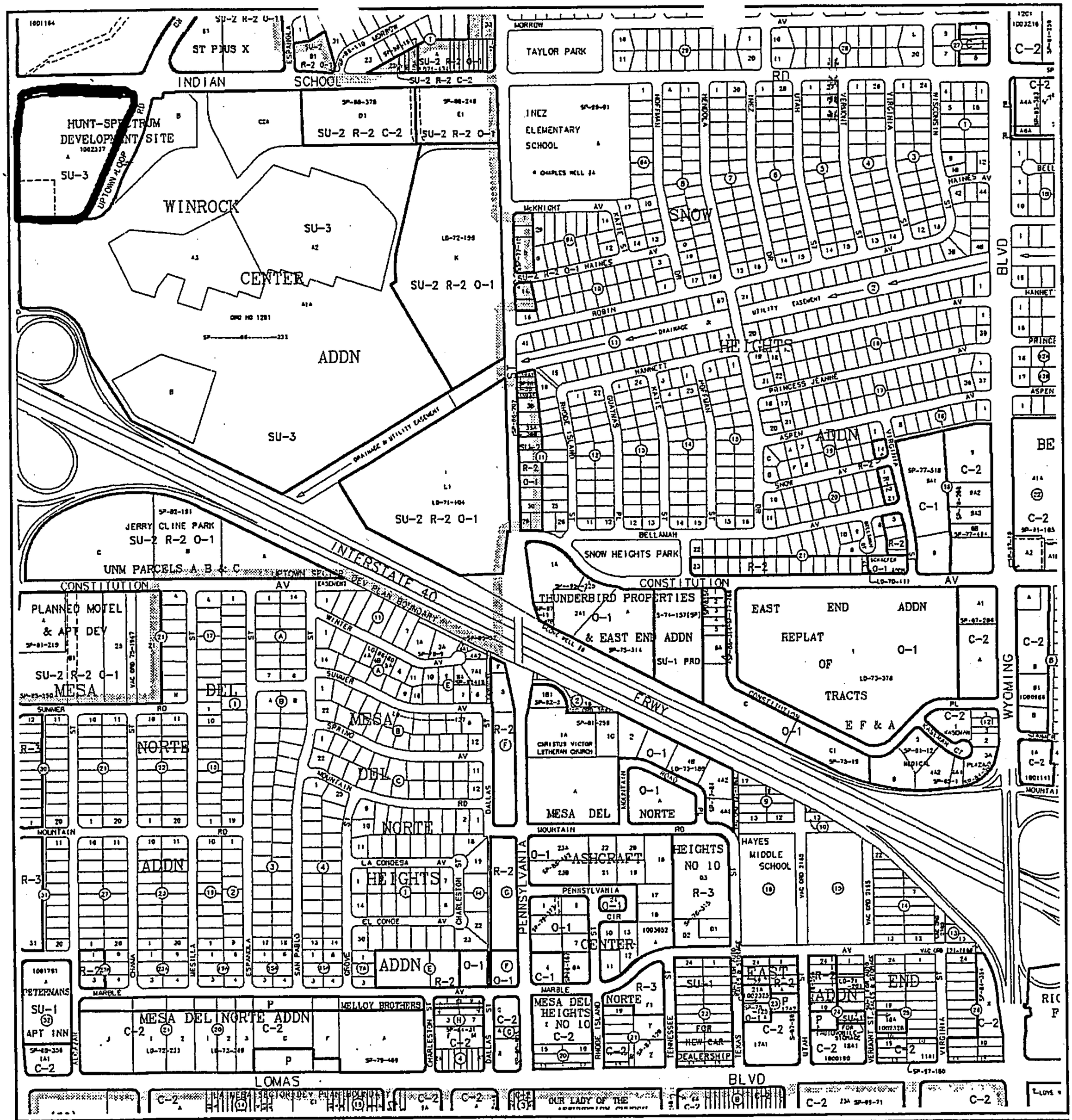
VIRGINIA KINNEY
Winrock South Neigh. Assoc.
1112 SAN PEDRO NE, # 309
ALBUQUERQUE NM 87110-6724

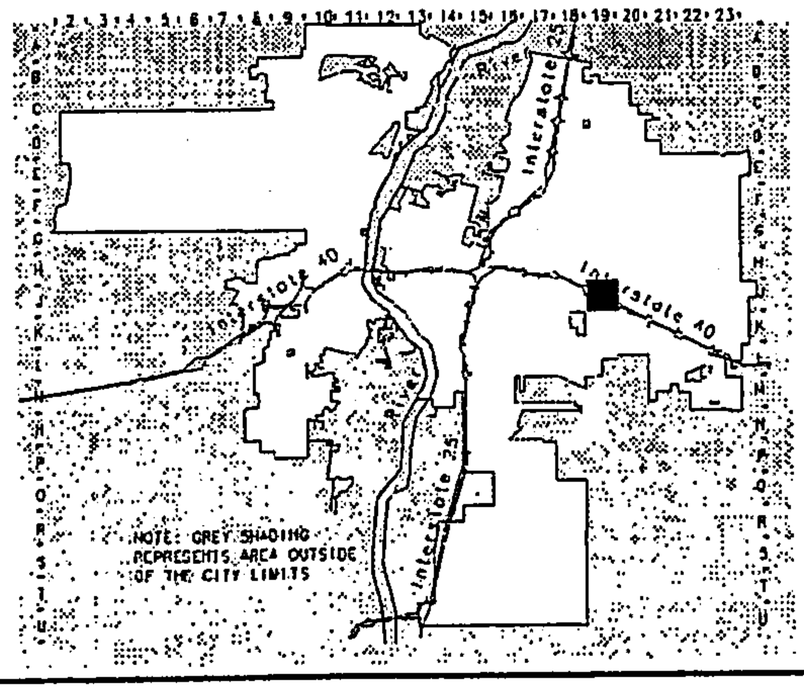
MARK MATHES
Zuni Neigh. Assoc.
7413 ARVADA AVE. NE
ALBUQUERQUE NM 87110

SUSAN McINTYRE
Zuni Neigh. Assoc.
7521 LEAH DR. NE
ALBUQUERQUE NM 87110

STEPHEN ANDERSON
East End Hist. & Cultural Neigh. Assoc.
1010 VIRGINIA ST NE
ALBUQUERQUE NM 87110

VERNICE SPENCER
East End Hist. & Cultural Neigh. Assoc.
1028 VERMONT ST. NE
ALBUQUERQUE NM 87110





A lbuquerque G eographic I nformation S ystem
PLANNING DEPARTMENT
©Copyright 2004

GRAPHIC SCALE IN FEET

250 0 750 1000

Zone Atlas Page

J-19-Z

Map Amended through November 03, 2004

BUHAMAN & HUSTON INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

November 11, 2004

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum DRB# 1002337 02DRB-01708 City# 7008.81

Dear Sheran:

Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Twenty-four (24) copies of the Location of Request for the vacation of easements (Exhibit "A")
- Letter from the Office of Neighborhood Coordination and related data
- Neighborhood Notifications to adjacent neighbors
- Zone Atlas Map showing the location of the property, and
- Fee in the amount of $145.00

We seek this extension to permit additional time to construct the required infrastructure because potential amendments to the site plan are being considered. Installation of infrastructure at this time would be premature and would possibly require relocation and/or abandonment if constructed now.

Please place this item on the DRB Agenda to be heard on December 8, 2004. If you have any questions or require further information, please contact me.

Sincerely,

James Topmiller, P.E.
President
Community Development and Planning Group

Cc: Lawrence Kline
John Myers

P:\020110\cdp\corres\EXTOFSIA.TractA.doc

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW,** on **Wednesday, December 8, 2004,** beginning at **9:00 a.m.** for the purpose of considering the following:

Project # 1002337
04DRB-01758 Major-Two Year SIA

BOHANNAN HUSTON, INC agent(s) for HUNT UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **UPTOWN SPECTRUM,** zoned SU-3, located on UPTOWN LOOP NE, between INDIAN SCHOOL RD NE and LOUISIANA BLVD NE [REF: 02DRB01708, 03CC00343, 03CC00199] (J-19)

Project # 1003778
04DRB-01750 Major-Preliminary Plat Approval
04DRB-01751 Major-Vacation of Pub Right-of-Way
04DRB-01753 Minor-Temp Defer SDWK
04DRB-01752 Minor-Sidewalk Variance

LARRY READ & ASSOCIATES INC agent(s) for ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 21 & 22, Block(s) 2, Tract(s) 2, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **SHAHEEN SUBDIVISION**) zoned R-D, located on OAKLAND AVE NE, between WYOMING BLVD NE and LOUISIANA BLVD NE containing approximately 2 acre(s). (C-19)

Project # 1003779
04DRB-01754 Major-Preliminary Plat Approval
04DRB-01765 Major-Vacation of Pub Right-of-Way
04DRB-01756 Minor-Sidewalk Variance
04DRB-01757 Minor-Temp Defer SDWK

LARRY READ & ASSOCIATES INC agent(s) for ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 17 & 18, Block(s) 2, Tract(s) 2, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **KUMAIL SUBDIVISION**) zoned R-D, located on OAKLAND AVE NE, between WYOMING BLVD NE and LOUISIANA BLVD NE containing approximately 2 acre(s). (C-19)

Project # 1002051
03DRB-02008 Major-Preliminary Plat Approval
03DRB-02009 Major-Vacation of Public Easements
03DRB-02010 Minor-Vacation of Private Easements
03DRB-02011 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for GELTMORE LAND LTD CO request(s) the above action(s) for all or a portion of Tract(s) A, **CHAMISA RIDGE - UNIT 1,** zoned R-LT, located on PARADISE BLVD NW, between BIG SAGE DR NW and CONEFLOWER DR NW containing approximately 18 acre(s). *[Deferred from 6/9/04, 6/23/04,8/4/04,9/29/04, Indefinitely Deferred on 11/10/04]*[REF: 02DRB-00963](B-10)

[NO NEW SUBMITTAL]

Project # 1003705
04DRB-01540 Major-Vacation of Public Easements
04DRB-01539 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for DR VIJAY AGARWAL request(s) the above action(s) for all or a portion of Lot(s) 7, 8 AND 9 and the south 47 feet of Lot(s) 4, 5, 6, Block(s) 22, **BROWNEWELL & LAILS HIGHLAND ADDITION,** zoned SU-2 MC, located on OAK ST NE, between TIJERAS NE and COPPER NE containing approximately 1 acre(s).[REF:V-78-38] *[Deferred from 11/3/04, Indefinitely Deferred on 11/10/04]* (K-15)

[NO NEW SUBMITTAL]

SEE PAGE 2 . . .

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

PAGE 2

Project # 1003125
04DRB-01505 Major-Bulk Land Variance
04DRB-01506 Minor-Prelim&Final Plat Approval

MOLZEN-CORBIN & ASSOCIATES agent(s) for CITY OF ALBUQUERQUE, AVIATION DEPARTMENT AND RANCH JOINT VENTURE request(s) the above action(s) for all or a portion of Tract(s) D & S, LANDS OF DOUBLE EAGLE II AIRPORT, (to be known as **AEROSPACE TECHNOLOGY PARK**) zoned SU-1 for AIRPORT AND RELATED USES, located on DOUBLE EAGLE II AIRPORT NW, between PASEO DEL VOLCAN (OLD) NW and SHOOTING RANGE PARK RD NW containing approximately 300 acre(s). *[Deferred from 10/27/04 & 11/3/04 & 11/10/04, Indefinitely Deferred on 11/10/04]* [REF: 03EPC02054](F-6/G-6)

[NO NEW SUBMITTAL]

04DRB-01630 Minor-SiteDev Plan Subd/EPC

CONSENSUS PLANNING agent(s) for CITY OF ALBUQUERQUE, AVIATION DEPARTMENT AND RANCH JOINT VENTURE request(s) the above action(s) for all or a portion of Tract(s) D, F AND S, LANDS OF DOUBLE EAGLE II AIRPORT, (to be known as **AEROSPACE TECHNOLOGY PARK**) zoned SU-1 for AIRPORT AND RELATED USES, located on DOUBLE EAGLE II AIRPORT NW, between PASEO DEL VOLCAN NW and SHOOTING RANGE ACCESS RD NW containing approximately 300 acre(s). [REF: 03EPC02054, 04DRB01505, 04DRB01506]**[Chris Hyer, EPC Case Planner]** *[Deferred from 10/27/04 & 11/3/04 & Indefinitely Deferred on 11/10/04]* (F-5/G-6)

[NO NEW SUBMITTAL]

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays. Individuals with disabilities who need special assistance to participate at this meeting should contact Claire Senova, Planning Department, at 924-3946. Hearing Impaired users may contact her via the New Mexico Relay Network by calling toll-free: 1-800-659-8331.

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, NOVEMBER 22, 2004.

CITY OF ALBUQUERQUE

THREE HUNDRED YEARS
1706 * 2006
ALBUQUERQUE
Making History

Zoning Enforcement

600 2nd St., NW - 7th Flr.

Albuquerque, NM 87102

UNITED STATES POSTAGE
PITNEY BOWES
02 1A $ 00.37⁰
0004329277 NOV 19 2004
MAILED FROM ZIP CODE 871

101805850546511615

EQUI-PARK SQUARE ASSOC
2105 LOUISIANA BL NE
ALBUQUERQUE NM 87110

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

#711045420 04

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

PAGE 2

Project # 1003125
04DRB-01505 Major-Bulk Land Variance
04DRB-01506 Minor-Prelim&Final Plat Approval

MOLZEN-CORBIN & ASSOCIATES agent(s) for CITY OF ALBUQUERQUE, AVIATION DEPARTMENT AND RANCH JOINT VENTURE request(s) the above action(s) for all or a portion of Tract(s) D & S, LANDS OF DOUBLE EAGLE II AIRPORT, (to be known as **AEROSPACE TECHNOLOGY PARK**) zoned SU-1 for AIRPORT AND RELATED USES, located on DOUBLE EAGLE II AIRPORT NW, between PASEO DEL VOLCAN (OLD) NW and SHOOTING RANGE PARK RD NW containing approximately 300 acre(s). *[Deferred from 10/27/04 & 11/3/04 & 11/10/04, Indefinitely Deferred on 11/10/04]* [REF: 03EPC02054](F-6/G-6)

[NO NEW SUBMITTAL]

04DRB-01630 Minor-SiteDev Plan Subd/EPC

CONSENSUS PLANNING agent(s) for CITY OF ALBUQUERQUE, AVIATION DEPARTMENT AND RANCH JOINT VENTURE request(s) the above action(s) for all or a portion of Tract(s) D, F AND S, LANDS OF DOUBLE EAGLE II AIRPORT, (to be known as **AEROSPACE TECHNOLOGY PARK**) zoned SU-1 for AIRPORT AND RELATED USES, located on DOUBLE EAGLE II AIRPORT NW, between PASEO DEL VOLCAN NW and SHOOTING RANGE ACCESS RD NW containing approximately 300 acre(s). [REF: 03EPC02054, 04DRB01505, 04DRB01506]**[Chris Hyer, EPC Case Planner]** *[Deferred from 10/27/04 & 11/3/04 & Indefinitely Deferred on 11/10/04]* (F-5/G-6)

[NO NEW SUBMITTAL]

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays. Individuals with disabilities who need special assistance to participate at this meeting should contact Claire Senova, Planning Department, at 924-3946. Hearing Impaired users may contact her via the New Mexico Relay Network by calling toll-free: 1-800-659-8331.

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, NOVEMBER 22, 2004.

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW,** on **Wednesday, December 8, 2004,** beginning at **9:00 a.m.** for the purpose of considering the following:

Project # 1002337
04DRB-01758 Major-Two Year SIA

BOHANNAN HUSTON, INC agent(s) for HUNT UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **UPTOWN SPECTRUM,** zoned SU-3, located on UPTOWN LOOP NE, between INDIAN SCHOOL RD NE and LOUISIANA BLVD NE [REF: 02DRB01708, 03CC00343, 03CC00199] (J-19)

Project # 1003778
04DRB-01750 Major-Preliminary Plat Approval
04DRB-01751 Major-Vacation of Pub Right-of-Way
04DRB-01753 Minor-Temp Defer SDWK
04DRB-01752 Minor-Sidewalk Variance

LARRY READ & ASSOCIATES INC agent(s) for ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 21 & 22, Block(s) 2, Tract(s) 2, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **SHAHEEN SUBDIVISION**) zoned R-D, located on OAKLAND AVE NE, between WYOMING BLVD NE and LOUISIANA BLVD NE containing approximately 2 acre(s). (C-19)

Project # 1003779
04DRB-01754 Major-Preliminary Plat Approval
04DRB-01765 Major-Vacation of Pub Right-of-Way
04DRB-01756 Minor-Sidewalk Variance
04DRB-01757 Minor-Temp Defer SDWK

LARRY READ & ASSOCIATES INC agent(s) for ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 17 & 18, Block(s) 2, Tract(s) 2, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **KUMAIL SUBDIVISION**) zoned R-D, located on OAKLAND AVE NE, between WYOMING BLVD NE and LOUISIANA BLVD NE containing approximately 2 acre(s). (C-19)

Project # 1002051
03DRB-02008 Major-Preliminary Plat Approval
03DRB-02009 Major-Vacation of Public Easements
03DRB-02010 Minor-Vacation of Private Easements
03DRB-02011 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for GELTMORE LAND LTD CO request(s) the above action(s) for all or a portion of Tract(s) A, **CHAMISA RIDGE - UNIT 1,** zoned R-LT, located on PARADISE BLVD NW, between BIG SAGE DR NW and CONEFLOWER DR NW containing approximately 18 acre(s). *[Deferred from 6/9/04, 6/23/04,8/4/04,9/29/04, Indefinitely Deferred on 11/10/04]*[REF: 02DRB-00963](B-10)

[NO NEW SUBMITTAL]

Project # 1003705
04DRB-01540 Major-Vacation of Public Easements
04DRB-01539 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for DR VIJAY AGARWAL request(s) the above action(s) for all or a portion of Lot(s) 7, 8 AND 9 and the south 47 feet of Lot(s) 4, 5, 6, Block(s) 22, **BROWNEWELL & LAILS HIGHLAND ADDITION,** zoned SU-2 MC, located on OAK ST NE, between TIJERAS NE and COPPER NE containing approximately 1 acre(s).[REF:V-78-38] *[Deferred from 11/3/04, Indefinitely Deferred on 11/10/04]* (K-15)

[NO NEW SUBMITTAL]

SEE PAGE 2 . . .

12. **Project # 1002584**
04DRB-01068 Minor-SiteDev Plan BldPermit/EPC

THE DESIGN GROUP, ERIK HAGEN, agent(s) for ARDENT HEALTH SERVICES dba SANDIA HEALTH SYSTEMS, request(s) the above action(s) for all or a portion of Tract(s) 1-A, **ST JOSEPH WEST MESA HOSPITAL, PARADISE HEIGHTS,** zoned SU-1 special use zone, located on GOLF COURSE RD NW, between MCMAHON BLVD NW and GOLF COURSE RD NW containing approximately 20 acre(s). [REF: Z-88-90, 03AA00579, 04EPC00696] **[Carmen Marrone, EPC Case Planner]** *[Deferred from 7/14/04 & 7/21/04]* (A-12) **INDEFINITELY DEFERRED ON A NO SHOW.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

13. **Project # 1002337**
04DRB-01089 Minor-Prelim&Final Plat Approval

BOHANNAN HUSTON, INC. agent(s) for HUNT UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A & B, **HUNT-SPECTRUM DEVELOPMENT SITE, WINROCK ADDITION,** zoned SU-3 special center zone, located on INDIAN SCHOOL RD NE, between LOUISIANA BLVD NE and I-40 NE containing approximately 12 acre(s). [REF: 02DRB-01708] (J-19) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING FOR CURRENT ZONING AND AGIS DXF FILE.**

14. **Project # 1003549**
04DRB-01091 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST, LTD agent(s) for DANIEL PUCCETTI request(s) the above action(s) for all or a portion of Lot(s) 1, Block(s) 1, **ROSEMONT PARK ADDITION,** zoned S-MRN (SAWMILL R-C), located on MOUNTAIN RD NW, between 12TH ST NW and 11TH ST NW containing approximately 1 acre(s). [REF: ZA-81-350, ZA-84-445, V-76-42] (J-13) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

15. **Project # 1003260**
04DRB-00213 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST LTD agent(s) for STEVEN KANIG request(s) the above action(s) for all or a portion of Lot(s) 2-A, **LANDS OF ALBUQUERQUE BOARD OF REALTORS,** zoned C-3, located on UNIVERSITY BLVD NE, between MENAUL BLVD NE and INDIAN SCHOOL BLVD NE containing approximately 3 acre(s). [Was Indefinitely Deferred on 2/25/04] (H-15) **PRELIMINARY AND FINAL PLAT WERE APPROVED AND SIGNED OFF BY THE BOARD.**

16. **Project # 1003112**
04DRB-01005 Major-Final Plat Approval

COMMUNITY SCIENCES CORP agent(s) for COLLATZ INC, JACK CLIFFORD request(s) the above action(s) for all or a portion of Tract(s) A, LANDS OF COLLATZ INC, **RINCONADA TRAILS,** zoned SU-1 special use zone, located on UNSER BLVD NW, between UNSER BLVD NW and WESTERN TRAILS NW containing approximately 9 acre(s). [REF: 03DRB-01994, 04DRB-00166, 04DRB-00167, 04DRB-00168] *[Deferred from 7/14/04 & 7/21/04]* (F-11/F-12) **DEFERRED AT THE AGENT'S REQUEST TO 8/4/04.**

NO ACTION IS TAKEN ON THESE CASES:
APPLICANT - AGENT IS REQUIRED TO BE AT THE MEETING

17. **Project # 1003039**
04DRB-01077 Minor-Sketch Plat or Plan

RIO GRANDE ENGINEERING agent(s) for SCACCIA, LLC, request(s) the above action(s) for all or a portion of Lot(s) 1, 2 & 3, Block(s) 16, Tract(s) 3, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **WILSHIRE ESTATES)** zoned R-D residential and related uses zone, developing area, 5 DU/AC, located on VENTURA ST NE, between CORONA AVE NE and WILSHIRE AVE NE containing approximately 3 acre(s). [REF: 03DRB-01771, DRB-93-337] (C-20) **INDEFINITELY DEFERRED ON A NO SHOW.**

18. **Project # 1003543**
04DRB-01083 Minor-Sketch Plat or Plan

OLIVER TRUJILLO agent(s) for DESI BACA & MARY MARCO request(s) the above action(s) for all or a portion of Lot(s) 6, Block(s) 66 and Easterly portion of playground, Lot(s) 14, **UNIVERSITY HEIGHTS, FIRST UNIT, VICTORY ADDITION,** zoned R-3 residential zone, located on PRINCETON AVE SE, between MC EARL SE and PRINCETON AVE SE containing approximately 1 acre(s). (K-16) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

19. **Project # 1003551**
04DRB-01095 Minor-Sketch Plat or Plan

BRASHER & LORENZ agent(s) for NAYLOR REALTY request(s) the above action(s) for all or a portion of Lot(s) 12, 13, 19, 20 & 21, Block(s) 11, Tract(s) 1, **NORTH ALBUQUERQUE ACRES, UNIT 3,** zoned RD, located on GLENDALE AVE NE, between BARSTOW AVE NE and WYOMING NE containing **approximately 5 acre(s).** (B-19) **INDEFINITELY DEFERRED ON A NO SHOW.**

20. Approval of the Development Review Board Minutes for June 30, 2004. **THE DEVELOPMENT REVIEW BOARD MINUTES FOR JUNE 30, 2004 WERE APPROVED.**

ADJOURNED: 9:50 A.M.

13

DRB CASE ACTION LOG (PREL. & FINAL)

REVISED 2/5/04

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: **04DRB-01089 (P&F)** Project # **1002337**

Project Name: **HUNT SPECT. DEV. WINROCK**

Agent: Bohannan Huston Inc. Phone No.: 823-1000

Your request for (**SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN)**, was approved on 7/21/04 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- ☐ TRANSPORTATION: _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

- ☐ UTILITIES: _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

- ☐ CITY ENGINEER / AMAFCA: _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

- ☐ PARKS / CIP: _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

- ☐ PLANNING (Last to sign): Cursent zoning placed on plat
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

☐ **Planning must record this plat. Please submit the following items:**

-The original plat and a mylar copy for the County Clerk.

-Tax certificate from the County Treasurer.

-Recording fee (checks payable to the County Clerk). RECORDED DATE: _____

-Tax printout from the County Assessor.

☐ **Include 3 copies of the approved site plan along with the originals.**

☐ **County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**

☐ **Property Management's signature must be obtained prior to Planning Department's signature.**

☐ **AGIS DXF File approval required.**

☐ **Copy of recorded plat for Planning.**

Project Number 1002337

DEVELOPMENT REVIEW BOARD

TRANSPORTATION DEVELOPMENT

Standard Comment Sheet

DRB- 1002337 Item No. 13 Zone Atlas J-19

DATE ON AGENDA 7-21-04

INFRASTRUCTURE REQUIRED (X)YES ( )NO

CROSS REFERENCE: _____

_____

TYPE OF APPROVAL REQUESTED:

( )SKETCH PLAT (X)PRELIMINARY PLAT (X)FINAL PLAT

( )SITE PLAN REVIEW AND COMMENT ( )SITE PLAN FOR SUBDIVISION

( )SITE PLAN FOR BUILDING PERMIT

No.	Comment
1)	Does the plat match the settlement agreement? Alignment and Width.
2)	Why doesn't the SW corner line up with the existing radius?
3)	Assuming all infrastructure will be built by the City and/or deferred to building permit.

If you have any questions or comments please call Wilfred Gallegos at 924-3991. Meeting notes:

CITY OF ALBUQUERQUE

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

THREE HUNDRED YEARS 1706 * 2006 ALBUQUERQUE Making History

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1002337 **AGENDA ITEM NO: 13**

SUBJECT:

(01) Sketch Plat/Plan	**(05)** Site Plan for Subd	**(10)** Sector Dev Plan
(02) Bulk Land Variance	**(06)** Site Plan for BP	**(11)** Grading Plan
(03) Sidewalk Variance	**(07)** Vacation	**(12)** SIA Extension
(03a) Sidewalk Deferral	**(08)** Final Plat	**(13)** Master Development Plan
(04) Preliminary Plat	**(09)** Infrastructure List	**(14)** Other

ACTION REQUESTED:

REV/CMT:() APP:(x) SIGN-OFF:() EXTN:() AMEND:()

ENGINEERING COMMENTS:

No adverse comments.

RESOLUTION:

APPROVED ____; DENIED _____; DEFERRED _____; COMMENTS PROVIDED ___; WITHDRAWN

SIGNED-OFF: **(SEC-PLN) (SP-SUB) (SP-BP) (FP)** BY: **(UD) (CE) (TRANS) (PKS) (PLNG)**

DELEGATED: **(SEC-PLN) (SP-SUB) (SP-BP) (FP)** TO: **(UD) (CE) (TRANS) (PKS) (PLNG)**

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: July 21, 2004

OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 8, 2004

1. Project # 1002337
04DRB-01758 Major-Two Year SIA

BOHANNAN HUSTON, INC agent(s) for HUNT UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **UPTOWN SPECTRUM,** zoned SU-3, located on UPTOWN LOOP NE, between INDIAN SCHOOL RD NE and LOUISIANA BLVD NE [REF: 02DRB01708, 03CC00343, 03CC00199] (J-19)

At the December 8, 2004, Development Review Board meeting, a two-year extension of the Subdivision Improvements Agreement was approved.

If you wish to appeal this decision, you must do so by December 23, 2004 in the manner described below.

Appeal is to the Environmental Planning Commission. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal. If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).

Sheran Matson, AICP, DRB Chair

Cc:Hunt Uptown II, LLC, 4401 N. Mesa, Suite 201, El Paso, TX 79902
Bohannan Huston Inc., 7500 Jefferson NE, 87109
Marilyn Maldonado, Planning Department, 4th Floor, Plaza del Sol Bldg.
File

DRB PUBLIC HEARING SIGN IN SHEETS

CASE NUMBER: 1002337 AGENDA#: 1 DATE: 12.8.04

1. Name: James Lapmiller Address: _____ Zip: _____
2. Name: Lawrence Kline Address: _____ Zip: _____
3. Name: _____ Address: _____ Zip: _____
4. Name: _____ Address: _____ Zip: _____
5. Name: _____ Address: _____ Zip: _____
6. Name: _____ Address: _____ Zip: _____
7. Name: _____ Address: _____ Zip: _____
8. Name: _____ Address: _____ Zip: _____
9. Name: _____ Address: _____ Zip: _____
10. Name: _____ Address: _____ Zip: _____
11. Name: _____ Address: _____ Zip: _____
12. Name: _____ Address: _____ Zip: _____
13. Name: _____ Address: _____ Zip: _____
14. Name: _____ Address: _____ Zip: _____

CITY OF ALBUQUERQUE

PLANNING DEPARTMENT
DEVELOPMENT AND BUILDING SERVICES
HYDROLOGY DEVELOPMENT SECTION

ALBUQUERQUE
Making History

DEVELOPMENT REVIEW BOARD--SPEED MEMO

DRB CASE NO/PROJECT NO: 1002337 **AGENDA ITEM NO: 1**

SUBJECT:

(01) Sketch Plat/Plan	**(05)** Site Plan for Subd	**(10)** Sector Dev Plan
(02) Bulk Land Variance	**(06)** Site Plan for BP	**(11)** Grading Plan
(03) Sidewalk Variance	**(07)** Vacation	**(12)** SIA Extension
(03a) Sidewalk Deferral	**(08)** Final Plat	**(13)** Master Dev. Plan
(04) Preliminary Plat	**(09)** Infrastructure List	**(14)** Cost Allocation Plan

ACTION REQUESTED:

REV/CMT:() APP:() SIGN-OFF:() EXTN:(x) AMEND:()

P.O. Box 1293

Albuquerque

New Mexico 87103

www.cabq.gov

ENGINEERING COMMENTS:

The Hydrology Section has no objection to the extension request.

RESOLUTION:

APPROVED X; DENIED ____; DEFERRED ____; COMMENTS PROVIDED ___; WITHDRAWN

SIGNED-OFF: **(SEC-PLN) (SP-SUB) (SP-BP) (FP)** BY: **(UD) (CE) (TRANS) (PKS) (PLNG)**

DELEGATED: **(SEC-PLN) (SP-SUB) (SP-BP) (FP)** TO: **(UD) (CE) (TRANS) (PKS) (PLNG)**

FOR:

SIGNED: Bradley L. Bingham
City Engineer/AMAFCA Designee

DATE: December 8, 2004

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

December 8, 2004

Project # 1002337
04DRB-01758 Major-Two Year SIA

BOHANNAN HUSTON, INC agent(s) for HUNT UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **UPTOWN SPECTRUM,** zoned SU-3, located on UPTOWN LOOP NE, between INDIAN SCHOOL RD NE and LOUISIANA BLVD NE [REF: 02DRB01708, 03CC00343, 03CC00199] (J-19)

AMAFCA	No adverse comments.
COG	No adverse comments.
Transit	No objections.
Zoning Enforcement	Reviewed, no comment.

Neighborhood Coordination

Uptown List of Neighborhood Associations . The following 11 different associations were notified. Alvarado Park Neighborhood Association "R", Classic Uptown Neighborhood Association "R", Inez Neighborhood Association "R", Jerry Cline Park Neighborhood Association "R", Quigley Park Neighborhood Association "R", Snow Heights Neighborhood Association "R", Winrock South Neighborhood Association "R", Uptown Progress Team, Inc. "R", Zuni Neighborhood Association "R". The following associations are "Unrecognized" associations and don't need to be "officially" notified of the project, but were notified as a courtesy. New Kimo Neighborhood Association, East End Historical and Cultural Neighborhood Association.

APS	No comments received.
Police Department	No adverse comments.
Fire Department	No adverse comments.
PNM Electric & Gas	Approves.
Comcast	No comments received.
QWEST	No comments received.

Environmental Hea...	Site is not within 1000 feet of ... andfill. No comment.
M.R.G.C.D.	No comments received.
Open Space Division	No adverse comments.

City Engineer

The Hydrology section has no objection to the SIA extension since the storm drain portion of the project is under construction at this time.

Transportation Development

No objection to request. What is status of the negotiations with Winrock concerning the signal at the site entrance?

Parks & Recreation	No objection.
Utilities Development	No objection to SIA extension.
Planning Department	No objection to the 2-year extension.

IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING

cc: Hunt Uptown II, LLC, 4401 N. Mesa, Suite #201, El Paso, TX 79902
Bohannan Huston Inc., 7500 Jefferson St NE, 87109

13

Completed 8/3/04

DRB CASE ACTION LOG (PREL. & FINAL)

REVISED 2/5/04

This sheet must accompany your plat or site plan to obtain delegated signatures. Return sheet with site plan/plat once comments are addressed.

DRB Application No.: **04DRB-01089 (P&F)** Project # **1002337**

Project Name: **HUNT SPECT. DEV. WINROCK**

Agent: Bohannan Huston Inc. Phone No.: 823-1000

Your request for (**SDP for SUB), (SDP for BP), (FINAL PLATS), (MASTER DEVELOP. PLAN),** was approved on 7/21/04 by the DRB with delegation of signature(s) to the following departments.

OUTSTANDING SIGNATURES COMMENTS TO BE ADDRESSED

- ☐ TRANSPORTATION: _____
- ☐ _____
- ☐ _____
- ☐ _____
- ☐ _____

- ☐ UTILITIES: _____
- ☐ _____
- ☐ _____
- ☐ _____

- ☐ CITY ENGINEER / AMAFCA: _____
- ☐ _____
- ☐ _____
- ☐ _____

- ☐ PARKS / CIP: _____
- ☐ _____
- ☐ _____
- ☐ _____

- ☐ PLANNING (Last to sign): Current zoning on plat
- ☐ _____
- ☐ _____
- ☐ _____

- ☐ **Planning must record this plat. Please submit the following items:**
  - -The original plat and a mylar copy for the County Clerk.
  - -Tax certificate from the County Treasurer.
  - -Recording fee (checks payable to the County Clerk). RECORDED DATE: _____
  - -Tax printout from the County Assessor.
- ☐ **Include 3 copies of the approved site plan along with the originals.**
- ☐ **County Treasurer's signature must be obtained prior to the recording of the plat with the County Clerk.**
- ☐ **Property Management's signature must be obtained prior to Planning Department's signature.**
- ☐ **AGIS DXF File approval required.** OK
- ☐ **Copy of recorded plat for Planning.**

Project Number 1002337

2337

AGIS ELECTRONIC PLAT APPROVAL FORM

DRB Project Case # 1002337

Subdivision Name Hunt-Spectrum

Surveyor Dwain Weaver

Company/Agent Bohannan-Huston

Contact Person Stephanie Stratton Phone # _____ email SStratton@bhinc.co

Y DXF Received Date: 7-29-04

Y Hard-Copy Date: 8-10-04

Y Coordinate system: ☐ NMSP Grid (NAD 83) ☒ NMSP Grid (NAD 27) ☐ Ground rotated to NMSP Grid ☐ Other

Barbara A. Romero 8-12-04

Approved Date

---

*The dxf file cannot be accepted at this time for the following reason(s):

AGIS Use Only		
Copied cov 2337 to agiscov.	Date: 8-10-04	Contact person by email Notified on: 8-10-04

E-17-Z

E-16-Z

E-18-Z

F-16-Z

F-18-Z

G-16-Z

G-17-Z

G-18-Z

THE 25

IP

JEFFERSON

COMMONS

(UNIT 2)

CRYER PROPERTY

SU-1 C-3 & IP USES

SU-1 C-3 & IP USES

SU-1 M-1 PERMISSIVE USES

SU-1 FOR C-1 USES

C-3 & IP USES

NORTH SWITCHING STATION

M-1

C-3

SU-1

UNCLE CLIFFS FAMILYLAND

GAGE

FRIEDMAN

AMUSEMENTPARK & REL FAC REST W/BEER & WINE LICENSE

PARK

ADDN

OSUNA RD

SPANISH

LAND

COMPA

LINCOLN RD

GARDNER--ZEMKE CO INC

B C RINGER

NAVAJO TERMINALS INC

VOL ANDIA WELL #6

BERRY

SANBUSCO ADDN

ROADRUNNER

INVESTORS

CASHWAY BUILDING MATERIALS INC ALLWOODS

MCLEOD

BUSINESS

REALTY

PARK

PENNY--NORRIS & MARGARET

MAERA

REINDEER

CORA JETT TRACT

GANTT

ADDN

BOGAN AV

FRANKLIN TRACT

CITY OF ALBUQUERQUE WELL SITE

ADDN

Elena

Gallegos

H L H CHANT

MONTGOMERY

Grant

Boundary

JEFFERSON

OFFICE PLAZA

SU-1 HOSPITAL & REL FAC

MONTGOMERY VILLAGE ADDN

SUNCHASE

HILLCREST PARK CONDOS

HEIGHTS

R-3

SU-1 APT/COMMER COMPLEX

ABQ KASSMONT ADDN

WALTER KASSUBA

EXECUTIVE

SU-1 OFF W/SNACK BAR

SU-1 O-1 & C-1 USES

PLAZA

O-1

MONTGOMERY HEIGHTS

SU-1 CHURCH & REL FAC

ADDN

UNIVERSITY HEIGHTS HOSPITAL

SU-1 HOSPITAL & REL PROFESSIONAL OFF

SU-1 C-2 WITH WAREHOUSING PLAZA

SAN MATEO BLVD

MCLEOD

C-3 (SC)

CROSSING

ALLWOODS

C-2

ALLWOODS

MONTGOMERY

C-2 (SC)

C-2 (SC)

VISTA

R-3

CARLMONT

VOL-ANDIA ADDN

R-3

VISTA GRANDE LAND COMPANY

SU-1

INTERSTATE 25

PAN AMERICAN FWY

RESTAURANT LA

MCLEOD

PENNY--NORRIS & MARGARET

MAERA

REINDEER

CORA JETT TRACT

REINDEER

ADDN

GANTT

ADDN

FRANKLIN TRACT

CITY OF ALBUQUERQUE WELL SITE

ADDN

H L H CHANT

SUNCHASE

HILLCREST PARK CONDOS

HEIGHTS

SU-1 APT/COMMER COMPLEX

ABQ KASSMONT ADDN

WALTER KASSUBA

EXECUTIVE

SU-1 OFF W/SNACK BAR

SU-1 O-1 & C-1 USES

PLAZA

O-1

MONTGOMERY HEIGHTS

SU-1 CHURCH & REL FAC

ADDN

UNIVERSITY HEIGHTS HOSPITAL

SU-1 HOSPITAL & REL PROFESSIONAL OFF

SU-1 C-2 WITH WAREHOUSING PLAZA

CARLMONT

VOL-ANDIA ADDN

R-3

VISTA GRANDE LAND COMPANY

SU-1

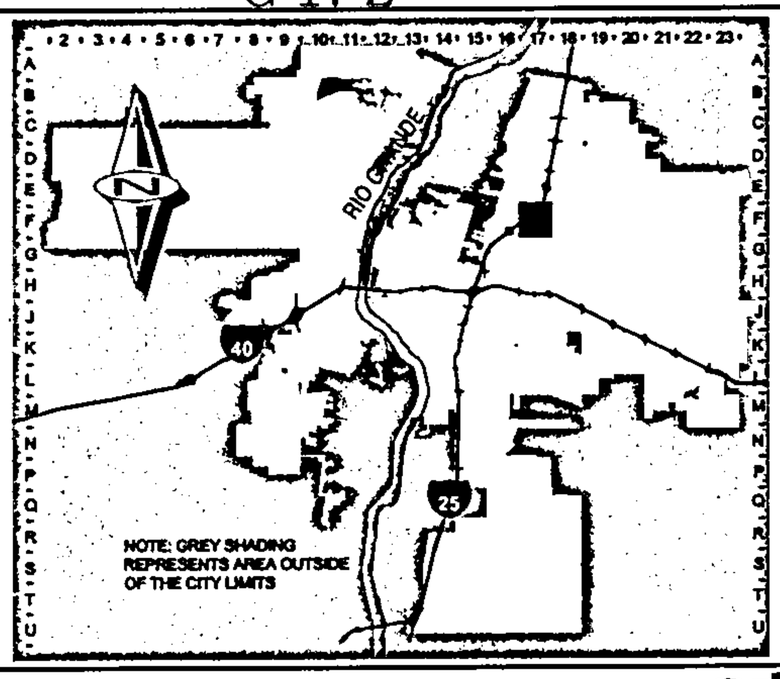
Zone Atlas Page: **F-17-Z**

Map ammended through: **Aug 05, 2004**

Selected Symbols

- Unincorporated Areas
- Sector Plan Boundaries
- Parcel Boundaries
- Easement Lines
- Freeway Lanes
- Jurisdictional Boundaries
- Westgate Wall
- Escarpment
- Grant Boundaries
- Petroglyph
- Old Town Boundary
- Arroyos
- LDN Noise Level
- Airport Clearance Zone
- Design Overlay Zones

0 750 1,500 Feet



CITY OF ALBUQUERQUE 1706 THREE HUNDRED YEARS 1706 • 2006 ALBUQUERQUE Haciendo Historia

Albuquerque Geographic Information System

PLANNING DEPARTMENT

© Copyright 2004

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW,** on **Wednesday, December 8, 2004,** beginning at **9:00 a.m.** for the purpose of considering the following:

Project # 1002337
04DRB-01758 Major-Two Year SIA

BOHANNAN HUSTON, INC agent(s) for HUNT UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **UPTOWN SPECTRUM,** zoned SU-3, located on UPTOWN LOOP NE, between INDIAN SCHOOL RD NE and LOUISIANA BLVD NE [REF: 02DRB01708, 03CC00343, 03CC00199] (J-19)

Project # 1003778
04DRB-01750 Major-Preliminary Plat Approval
04DRB-01751 Major-Vacation of Pub Right-of-Way
04DRB-01753 Minor-Temp Defer SDWK
04DRB-01752 Minor-Sidewalk Variance

LARRY READ & ASSOCIATES INC agent(s) for ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 21 & 22, Block(s) 2, Tract(s) 2, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **SHAHEEN SUBDIVISION**) zoned R-D, located on OAKLAND AVE NE, between WYOMING BLVD NE and LOUISIANA BLVD NE containing approximately 2 acre(s). (C-19)

Project # 1003779
04DRB-01754 Major-Preliminary Plat Approval
04DRB-01765 Major-Vacation of Pub Right-of-Way
04DRB-01756 Minor-Sidewalk Variance
04DRB-01757 Minor-Temp Defer SDWK

LARRY READ & ASSOCIATES INC agent(s) for ADIL RIZVI request(s) the above action(s) for all or a portion of Lot(s) 17 & 18, Block(s) 2, Tract(s) 2, NORTH ALBUQUERQUE ACRES, UNIT 3, (to be known as **KUMAIL SUBDIVISION**) zoned R-D, located on OAKLAND AVE NE, between WYOMING BLVD NE and LOUISIANA BLVD NE containing approximately 2 acre(s). (C-19)

Project # 1002051
03DRB-02008 Major-Preliminary Plat Approval
03DRB-02009 Major-Vacation of Public Easements
03DRB-02010 Minor-Vacation of Private Easements
03DRB-02011 Minor-Temp Defer SDWK

TIERRA WEST LLC agent(s) for GELTMORE LAND LTD CO request(s) the above action(s) for all or a portion of Tract(s) A, **CHAMISA RIDGE - UNIT 1,** zoned R-LT, located on PARADISE BLVD NW, between BIG SAGE DR NW and CONEFLOWER DR NW containing approximately 18 acre(s). *[Deferred from 6/9/04, 6/23/04,8/4/04,9/29/04, Indefinitely Deferred on 11/10/04]*[REF: 02DRB-00963](B-10)

[NO NEW SUBMITTAL]

Project # 1003705
04DRB-01540 Major-Vacation of Public Easements
04DRB-01539 Minor-Sketch Plat or Plan

FORSTBAUER SURVEYING LLC agent(s) for DR VIJAY AGARWAL request(s) the above action(s) for all or a portion of Lot(s) 7, 8 AND 9 and the south 47 feet of Lot(s) 4, 5, 6, Block(s) 22, **BROWNEWELL & LAILS HIGHLAND ADDITION,** zoned SU-2 MC, located on OAK ST NE, between TIJERAS NE and COPPER NE containing approximately 1 acre(s).[REF:V-78-38] *[Deferred from 11/3/04, Indefinitely Deferred on 11/10/04]* (K-15)

[NO NEW SUBMITTAL]

SEE PAGE 2 . . .

PUBLIC HEARING--DEVELOPMENT REVIEW BOARD
CITY OF ALBUQUERQUE

PAGE 2

Project # 1003125
04DRB-01505 Major-Bulk Land Variance
04DRB-01506 Minor-Prelim&Final Plat Approval

MOLZEN-CORBIN & ASSOCIATES agent(s) for CITY OF ALBUQUERQUE, AVIATION DEPARTMENT AND RANCH JOINT VENTURE request(s) the above action(s) for all or a portion of Tract(s) D & S, LANDS OF DOUBLE EAGLE II AIRPORT, (to be known as **AEROSPACE TECHNOLOGY PARK**) zoned SU-1 for AIRPORT AND RELATED USES, located on DOUBLE EAGLE II AIRPORT NW, between PASEO DEL VOLCAN (OLD) NW and SHOOTING RANGE PARK RD NW containing approximately 300 acre(s). *[Deferred from 10/27/04 & 11/3/04 & 11/10/04, Indefinitely Deferred on 11/10/04]* [REF: 03EPC02054](F-6/G-6)

[NO NEW SUBMITTAL]

04DRB-01630 Minor-SiteDev Plan Subd/EPC

CONSENSUS PLANNING agent(s) for CITY OF ALBUQUERQUE, AVIATION DEPARTMENT AND RANCH JOINT VENTURE request(s) the above action(s) for all or a portion of Tract(s) D, F AND S, LANDS OF DOUBLE EAGLE II AIRPORT, (to be known as **AEROSPACE TECHNOLOGY PARK**) zoned SU-1 for AIRPORT AND RELATED USES, located on DOUBLE EAGLE II AIRPORT NW, between PASEO DEL VOLCAN NW and SHOOTING RANGE ACCESS RD NW containing approximately 300 acre(s). [REF: 03EPC02054, 04DRB01505, 04DRB01506]**[Chris Hyer, EPC Case Planner]** *[Deferred from 10/27/04 & 11/3/04 & Indefinitely Deferred on 11/10/04]* (F-5/G-6)

[NO NEW SUBMITTAL]

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays. Individuals with disabilities who need special assistance to participate at this meeting should contact Claire Senova, Planning Department, at 924-3946. Hearing Impaired users may contact her via the New Mexico Relay Network by calling toll-free: 1-800-659-8331.

Sheran Matson, AICP, DRB Chair
Development Review Board

TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, NOVEMBER 22, 2004.

DEVELOPMENT REVIEW BOARD
ACTION SHEET

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

July 21, 2004 9:00 a.m.

MEMBERS:

Sheran Matson, AICP, DRB Chair
Claire Senova, Administrative Assistant

Wilfred Gallegos, Transportation Development
Brad Bingham, Alternate City Engineer
Roger Green, Utility Development
Christina Sandoval, Parks & Recreation

****

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946. HEARING IMPAIRED USERS MAY CONTACT HER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE ADMINISTRATIVE ASSISTANT MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. Call to Order: 9:00 A.M. Adjourned: 9:50 A.M.
B. Changes and/or Additions to the Agenda
C. New or Old Business

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

1. **Project # 1001182**
   04DRB-00982 Major-Two Year SIA

   CURB, INC. request(s) the above action(s) for all or a portion of Tract(s) C, **WESTRIDGE MOBILE HOME PARK, PHASE 2,** zoned SU-1 special use zone, MH & IP, located on BLUEWATER RD NW, between 94TH ST NW and 98TH ST. NW containing approximately 8 acre(s). [REF: 02DRB-00956] (K-9) **A TWO-YEAR SUBDIVISION IMPROVEMENTS AGREEMENT WAS APPROVED.**

2. **Project # 1000419**
04DRB-00997 Major-Vacation of Public Easements
04DRB-00998 Minor-Vacation of Private Easements

BOHANNAN HUSTON INC agent(s) for FIRST FAMILY CHURCH request(s) the above action(s) for all or a portion of Tract(s) 1B-1-E, 1B-1-D & 1A-2, **RENAISSANCE CENTER,** zoned SU-1 FOR R-3 & C-1 USES, located on UNION WAY DR NE, between RENAISSANCE BLVD NE and MONTANO RD NE containing approximately 13 acre(s).[REF:04EPC00684,00685,03EPC00838,03DRB00590, 04DRB01419, 04DRB00207] (F-16) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

3. **Project # 1003133**
03DRB-02076 Minor-Prelim&Final Plat Approval
03DRB-02077 Minor-Vacation of Private Easements

CONSENSUS PLANNING INC. agent(s) for TRICOR SOUTHWEST CORP. request(s) the above action(s) for all or a portion of Lot(s) L-1, M, N & P, **FRANKLIN PLAZA,** zoned C-3/C-2 (SU), located on CENTRAL NE, between JUAN TABO NE and SKYLINE NE containing approximately 9 acre(s). [REF: Z-88-53] [Final Plat heard and approved on 4/21/04] (L-22) The applicant is requesting to void (vacate) these DRB actions. **THE PLAT APPROVAL AS WELL AS THE SUBDIVISION IMPROVEMENTS AGREEMENT WAS VOIDED.**

4. **Project # 1003187**
04DRB-00910 Major-Preliminary Plat Approval

ABQ ENGINEERING, INC. agent(s) for AMERI-CONTRACTORS, LLC request(s) the above action(s) for all or a portion of Tract(s) 5, LANDS OF UNIVERSITY OF NEW MEXICO, (to be known as **MARNA LYNN SUBDIVISION** zoned R-1, located on MARNA LYNN AVE NW, between PARADISE BLVD NW and PASEO DEL NORTE NW containing approximately 2 acre(s). [REF: 04DRB-00037] *[Deferred from 7/14/04]* (C-12) **WITH THE SIGNING OF THE INFRASTRUCTURE LIST DATED 7/21/04 AND APPROVAL OF THE GRADING PLAN ENGINEER STAMP DATED 5/28/04 THE PRELIMINARY PLAT WAS APPROVED WITH CONDITIONS: VACATION OF 20-FOOT ROADWAY EASEMENT ON LOT 1, APPLY FOR A SIDEWALK VARIANCE AND FEE SIMPLE LANGUAGE SHALL BE PLACED ON THE PLAT.**

5. **Project # 1002176**
04DRB-00960Major-PreliminaryPlat Approval
04DRB-00962 Major-Vacation of Public Easements
04DRB-00969 Minor-Vacation of Private Easements
04DRB-00961 Minor-Temp Defer SDWK

SURVEYS SOUTHWEST LTD agent(s) for MOUNTAIN WEST DEVELOPMENT, request(s) the above action(s) for all or a portion of Tract(s) E-1, NORTH FOUR HILLS, **COVERED WAGON SUBDIVISION,** zoned SU-1, located on FOUR HILLS RD SE, between LANIER DR SE and WATERFALL DR SE containing approximately 7acre(s). [REF:Z-98-113/Z98-54, 02DRB-01306, 04DRB-00526] *[Deferred from 7/14/04 & 7/21/04]* (L-23) **DEFERRED AT THE AGENT'S REQUEST TO 7/28/04.**

04DRB-01071 Minor-SiteDev Plan BldPermit/EPC
04DRB-01072 Minor-SiteDev Plan Subd/EPC

BILL WADE, request(s) the above action(s) for all or a portion of Tract(s) E-1 and C, Block(s) 90C, Unit(s) 78, NORTH FOUR HILLS, **COVERED WAGON SUBDIVISION,** zoned SU-1, located on CENTRAL AVE SE between FOUR HILLS RD SE AND WATERFALL DR SE containing approximately 7 acre(s). [REF:04EPC-00162, 04DRB-000960, 00961, 00962, 00969, 02DRB-01306, 02DRB-00526] **[Debbie Stover, EPC Case Planner]** *[Deferred from 7/14/04 & 7/21/04]* (L-23) **DEFERRED AT THE AGENT'S REQUEST TO 7/28/04.**

6. **Project # 1003226**
04DRB-00909 Major-Vacation of Public Easements
04DRB-00908 Minor-Prelim&Final Plat Approval

J C ENGINEERING agent(s) for SUJAY THAKUR request(s) the above action(s) for all or a portion of Tract(s) 9, **V. E. BARRETT SUBDIVISION,** zoned C-2 community commercial zone, located on BRIDGE ST SW, between UNSER BLVD SW and COORS BLVD SW containing approximately 6 acre(s). [REF: Z-71-125, Z-72-114, Z-72-210, 04DRB-00806, 04DRB-00117] *[Deferred from 7/14/04]* (K-10) **NEITHER THE APPLICANT NOR THE AGENT WERE PRESENT. THE REQUEST WAS INDEFINITELY DEFERRED.**

7.	**Project # 1002196** 04DRB-00873 Major-Preliminary Plat Approval 04DRB-00877 Minor-Sidewalk Waiver 04DRB-00875 Minor-Temp Defer SDWK	WAYJOHN SURVEYING INC. agent(s) for DRAGON FLY DEVELOPMENT INC. request(s) the above action(s) for all or a portion of Tract(s) 1-B, TOWN OF ATRISCO GRANT UNIT 6, **LOS ANTEPASADOS SUBDIVISION** zoned SU-1 PRD, for MH 10 du/net acre special use zone, located on SUNSET GARDENS RD SW, between CORREGIDOR PL SW and SANTA CLARA CEMETERY SW containing approximately 6 acre(s). [REF: DRB-91-385, 02EPC-01356, 03EPC-02048, 04CC-00130] *[Deferred from 6/30/04 & 7/14/04]* (K-11) **NEITHER THE APPLICANT NOR THE AGENT WERE PRESENT. THE REQUEST WAS INDEFINITELY DEFERRED.**
	04DRB-01000 Minor-SiteDev Plan Subd/EPC	WAYJOHN SURVEYING INC agent(s) for DRAGON FLY DEVELOPMENT INC request(s) the above action(s) for all or a portion of Tract(s) 1-B, TOWN OF ATRISCO GRANT, UNIT 6, **LOS ANTEPASADOS SUBDIVISION** zoned SU-1 PRD, for special use zone, located on SUNSET GARDENS RD SW, between CORREGIDOR PL SW and SANTA CLARA CEMETARY SW containing approximately 6 acre(s). [REF: DRB-91-385, 02EPC01356, 03EPC02048, 04CC00130] **[Elvira Lopez, EPC Case Planner]** *[Deferred from 7/14/04]* (K-11) **NEITHER THE APPLICANT NOR THE AGENT WERE PRESENT. THE REQUEST WAS INDEFINITELY DEFERRED.**
8.	**Project # 1003366** 04DRB-00912 Major-Vacation of Pub Right-of-Way	ADVANCED ENGINEERING AND CONSULTING LLC, agent(s) for SHARIF (FELIX) RABADI request(s) the above action(s) for all or a portion of Tract(s) T-1A-2, **TOWN OF ALAMEDA GRANT,** zoned SU-1 FOR PRD, located on GOLF COURSE RD NW, between IRVING NW and CALABACILLAS ARROYO containing approximately 9 acre(s). [REF: 04EPC-00498, 04DRB-00596, Z-80-74, AX-85-20, Z-93-131, DRB-94-146, V-96-89] *[Deferred from 7/14/04]* (B-12) **NEITHER THE APPLICANT NOR THE AGENT WERE PRESENT. THE REQUEST WAS INDEFINITELY DEFERRED.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

9. **Project # 1003548**
   04DRB-01090 Minor-SiteDev Plan BldPermit

   JIM MEDLEY, ARCHITECT, AIA agent(s) for TERRI ULIBARRI request(s) the above action(s) for all or a portion of Tract(s) A-1, **MARIPOSA SQUARE,** zoned R-D, located on LADERA DR NW, between 72nd ST NW and MIAMI NW containing approximately 2 acre(s). [REF: DRB-95-353, V-88-95] *[Deferred from 7/21/04]* (H-10) **DEFERRED AT THE BOARD'S REQUEST TO 7/28/04.**

10. **Project # 1000635**
    04DRB-01092 Minor-SiteDev Plan Subd/EPC
    04DRB-01093 Minor-SiteDev Plan BldPermit

    GEORGE RAINHART ARCHITECTS & ASSOCIATES agent(s) for DEBARTALO DEVELOPMENT INC request(s) the above action(s) for all or a portion of Tract(s) 33-1A, 38-2-A, 38-3-A, & 27B-B-1-1, **TAYLOR RANCH,** zoned SU-1 FOR C-1 PERMISSIVE & CON USE & FULL SVC LIQUOR, located on COORS BLVD NW, between COORS BLVD NW and MONTANO NW containing approximately 5 acre(s). [REF: Z-80-2, Z-80-5, Z-85-138-48, Z-96-124, DRB-98-106] **[Debbie Stover, EPC Case Planner]** *[Indef deferred 7/21/04]* (E-12) **INDEFINITELY DEFERRED ON A NO SHOW.**

11. **Project # 1003550**
    04DRB-01094 Minor-SiteDev Plan BldPermit

    DORMAN / BREEN ARCHITECTS agent(s) for ALBUQUERQUE SIGN PRINT CO. request(s) the above action(s) for all or a portion of Lot(s) 2, Block(s) 30, Tract(s) A, **NORTH ALBUQUERQUE ACRES, UNIT B,** zoned SU-2 special neighborhood zone, IP, located on SIGNAL AVE NE, between SAN PEDRO DR NE and LOUISIANA BLVD NE containing approximately 1 acre(s). *[Indef deferred 7/21/04]* (C-18) **INDEFINITELY DEFERRED ON A NO SHOW.**

City of Albuquerque

DEVELOPMENT PLAN REVIEW APPLICATION

	Supplemental form		Supplemental form
SUBDIVISION	**S**	**ZONING & PLANNING**	**Z**
☒ Major Subdivision action		☐ Annexation	
☐ Minor Subdivision action		☐ County Submittal	
☐ Vacation	**V**	☐ EPC Submittal	
☐ Variance (Non-Zoning)		☐ Zone Map Amendment (Establish or Change Zoning)	
SITE DEVELOPMENT PLAN	**P**	☐ Sector Plan (Phase I, II, III)	
☐ ...for Subdivision Purposes		☐ Amendment to Sector, Area, Facility or Comprehensive Plan	
☐ ...for Building Permit		☐ Text Amendment	
☐ IP Master Development Plan			
☐ Cert. of Appropriateness (LUCC)	**L**	**APPEAL / PROTEST of...**	**A**
		☐ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals	

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: HUNT UPTOWN II, LLC. PHONE: 915-533-1122
ADDRESS: 4401 N. MESA SUITE 201 FAX: ____
CITY: EL PASO STATE TX ZIP79902 E-MAIL: ____
Proprietary interest in site: OWNER
AGENT (if any): BOHANNAN HUSTON INC. PHONE: 823-1000
ADDRESS: 7500 JEFFERSON NE FAX: 798-7988
CITY: ALBUQUERQUE STATE NM ZIP 87109 E-MAIL: ____

DESCRIPTION OF REQUEST: EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT
Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☒ No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. TRACT A Block: ____ Unit: ____

Subdiv. / Addn. UPTOWN SPECTRUM

Current Zoning: SU-3 Proposed zoning: ____

Zone Atlas page(s): J19 No. of **existing** lots: 1 No. of **proposed** lots: 1

Total area of site (acres): ____ Density if applicable: dwellings per gross acre: ____ dwellings per net acre: ____

Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? NO

UPC No. 101905804849720414 MRGCD Map No. ____

LOCATION OF PROPERTY BY STREETS: On or Near: UPTOWN LOOP NE
Between: INDIAN SCHOOL RD NE and LOUISIANA BLVD. NE

CASE HISTORY:

List **any** current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): DRB# 1002337-02DRB-01708 03-CC 00343 03 CA 00199

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☐. Date of review: ____

SIGNATURE _____ DATE 11/11/04

(Print) JAMES TOPMILLER ☐ Applicant ☒ Agent

FOR OFFICIAL USE ONLY Form revised 10/03

☐ **INTERNAL ROUTING**
☑ All checklists are complete
☑ All fees have been collected
☐ All case #s are assigned
☑ AGIS copy has been sent
☐ Case history #s are listed
☐ Site is within 1000ft of a landfill
☐ F.H.D.P. density bonus
☐ F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
04 DRB - ____ - 01758	SIA	$(2)	$ 50.00
____ - ____ - ____	AD fee	____	$ 75.00
____ - ____ - ____	CMF	____	$ 20.00
____ - ____ - ____	____	____	$ ____
____ - ____ - ____	____	____	$ ____
			Total $ 145.00

Hearing date 12-8-04

Planner signature / date

Project # 1002337

uptown- Spectrum

FORM S(2): SUBDIVISION - D.R.B. PUBLIC HEARING

A **Bulk Land Variance** requires application on FORM-V in addition to application for subdivision on FORM-S.

☐ **MAJOR SUBDIVISION PRELIMINARY PLAT APPROVAL**

__ Proposed Preliminary Plat including the Grading Plan (folded to fit into an 8.5" by 14" pocket) **24** copies
__ Proposed Infrastructure List
__ Design elevations & cross sections of perimeter walls **3 copies**
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Property owner's and City Surveyor's signature on the proposed plat
__ FORM DRWS Drainage Report, Water & Sewer availability statement filing information
__ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
__ Sign Posting Agreement
__ TIS/AQIA Traffic Impact Study / Air Quality Impact Assessment form
__ Fee (see schedule)
__ Any original and/or related file numbers are listed on the cover application

Preliminary plat approval expires after one year.
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

☐ **MAJOR SUBDIVISION AMENDMENT TO PRELIMINARY PLAT (with significant changes)**
☐ **MAJOR SUBDIVISION AMENDMENT TO INFRASTRUCTURE LIST (with significant changes)**
☐ **MAJOR SUBDIVISION AMENDMENT TO GRADING PLAN (with significant changes)**

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

__ Proposed Amended Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **24** copies
__ Original Preliminary Plat, and/or Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket)
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Property owner's and City Surveyor's signature on the proposed amended plat, if the preliminary plat is being amended
__ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
__ Sign Posting Agreement
__ Any original and/or related file numbers are listed on the cover application

Amended preliminary plat approval expires after one year.
DRB Public hearings are approximately ONE MONTH after the filing deadline. **Your attendance is required.**

☒ **MAJOR SUBDIVISION EXTENSION OF SUBDIVISION IMPROVEMENTS AGREEMENT**

(Temporary sidewalk deferral uses FORM-V)

__ **1** copy of each of the following items
__X__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__X__ Letter briefly describing, explaining, and justifying the request
__X__ Plat or plan reduced to 8.5" x 11"
__N/A__ Official D.R.B. Notice of the original approval
__X__ Approved Infrastructure List. If not applicable, please initial. _____
__X__ Previous SIA extension notice, if one has been issued. If not applicable, please initial. _____
__X__ Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
__X__ Sign Posting Agreement
__X__ Any original and/or related file numbers are listed on the cover application
__X__ Fee (see schedule)

DRB Public hearings are approximately ONE MONTH after the filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

James Topmiller
Applicant name (print)

Applicant signature / date 11/11/04

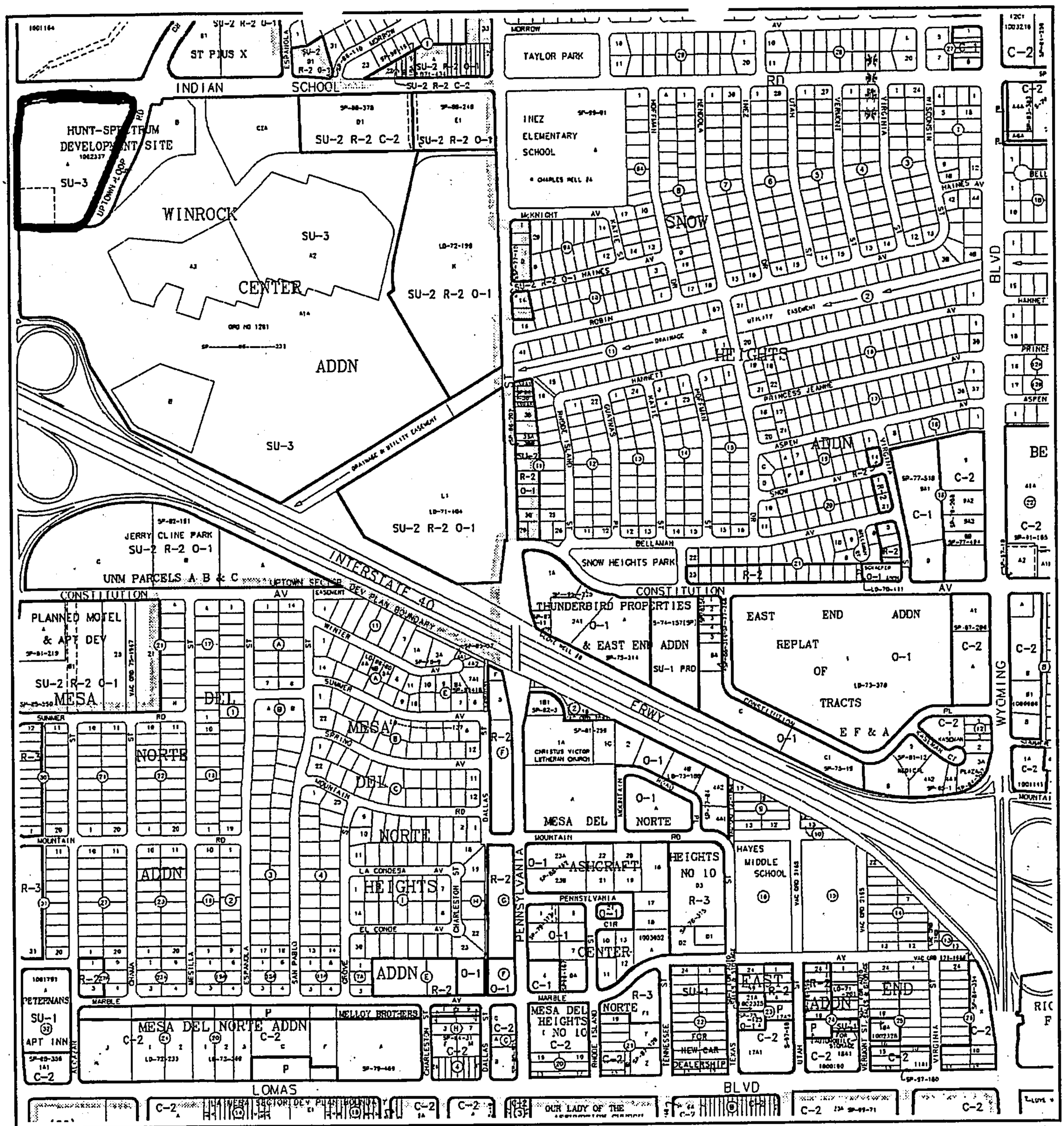
Form revised 9/01, 8/03, 9/03 and **8/04**

☐ Checklists complete
☐ Fees collected
☐ Case #s assigned
☐ Related #s listed

Application case numbers
04DRB - 01758
- -
- -

11-12-04
Planner signature / date

Project # 1002337


INDIAN SCHOOL
ST PIUS X
TAYLOR PARK
INEZ ELEMENTARY SCHOOL
HUNT-SPECTRUM DEVELOPMENT SITE
UPTOWN LOOP RD
WINROCK
CENTER
ADDN
SU-3
SU-2 R-2 C-2
SU-2 R-2 O-1
SU-2 R-2 O-1 HAINES
SNOW HEIGHTS ADDN
SNOW HEIGHTS PARK
HEIGHTS
PRINCESS JEANNE
ASPEN
HANNETT
ROBIN
DRAINAGE & UTILITY EASEMENT
JERRY CLINE PARK
SU-2 R-2 O-1
UNM PARCELS A B & C
INTERSTATE 40
CONSTITUTION
THUNDERBIRD PROPERTIES
O-1
EAST END ADDN REPLAT OF TRACTS E F & A
MESA DEL NORTE ADDN
C-2
P
MELLOY BROTHERS
PLANNED MOTEL & APT DEV
SU-2 R-2 O-1
MESA DEL NORTE
DEL NORTE
MESA DEL
ADDN
HEIGHTS NO 10
R-3
ASHCRAFT
HAYES MIDDLE SCHOOL
PETERMANS
SU-1 APT INN
MESA DEL HEIGHTS NO 10
SU-1 FOR NEW CAR DEALERSHIP
SU-1 PRD
CHRISTUS VICTOR LUTHERAN CHURCH
LOMAS BLVD
MONTGOMERY BLVD
WYOMING
TENNESSEE
TEXAS
UTAH
VERMONT
VIRGINIA
WISCONSIN
PENNSYLVANIA
CHARLESTON
DALLAS
SAN PABLO
ESPANOLA
MESILLA
OHARA
ALCAZAR
RHODE ISLAND
GUATRAS
KATIE
HOFFMAN
HENDRIX
MORROW
ESPANOLA
MOUNTAIN RD
SUMMER
SPRING
WINTER
MARBLE
EL CONDE
LA CONDESA
BELLAMAH
SCHAFER
PRINCE
BELL
MANNET
BE
C-2
C-1
R-1
R-2
R-3
O-1
SU-1
SU-2
P
SU-2 R-2 C-2
SU-2 R-2 O-1
SU-2 R-2 O-1 HAINES
SU-2 R-2 O-1
SU-2 R-2 O-1
SU-2 R-2 O-1

Bohannan ▲ Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

November 11, 2004

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum DRB# 1002337 02DRB-01708 City# 7008.81

Dear Sheran:

Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Twenty-four (24) copies of the Location of Request for the vacation of easements (Exhibit "A")
- Letter from the Office of Neighborhood Coordination and related data
- Neighborhood Notifications to adjacent neighbors
- Zone Atlas Map showing the location of the property, and
- Fee in the amount of $145.00

We seek this extension to permit additional time to construct the required infrastructure because potential amendments to the site plan are being considered. Installation of infrastructure at this time would be premature and would possibly require relocation and/or abandonment if constructed now.

Please place this item on the DRB Agenda to be heard on December 8, 2004. If you have any questions or require further information, please contact me.

Sincerely,

James Topmiller, P.E.
President
Community Development and Planning Group

Cc: Lawrence Kline
John Myers

P:\020110\cdp\corres\EXTOFSIA.TractA.doc

FIGURE 18

1st

EXTENSION AGREEMENT
Procedure "B"
PROJECT NO. 700881

This Agreement made this 8th day of January, 2004 by and between the City of Albuquerque, New Mexico, a municipal corporation ("City") and (name of developer/subdivider:) **HUNT UPTOWN II, LLC, a New Mexico limited liability company**, ("Developer"), whose address is 4401 N. Mesa, Suite 201, El Paso, Texas, 79902, and whose telephone number is (915)533-1122, made in Albuquerque, New Mexico and is entered into as of the date of final execution of this Agreement.

WHEREAS, the City and the Developer entered into an Agreement on the 31st day of December, 2002, which was recorded in the office of the Clerk of Bernalillo County, New Mexico on January 6, 2003, at Book Misc. A48, pages 2664 through — ("Earlier Agreement"), by which the Developer agreed to complete the construction of certain infrastructure improvements on or before the 15th day of January, 2004; and

WHEREAS, the Earlier Agreement was amended by an Extension Agreement dated N/A recorded N/A, in Book Misc. N/A, pages N/A through N/A, records of Bernalillo County, New Mexico, extending the construction deadline to N/A; and

WHEREAS, it appears that the Developer will be unable to complete construction of the improvements by the deadline specified in the Agreement; and

WHEREAS, the City is willing to grant Developer an extension of time in which to complete construction of all or part of the improvements, provided the Developer posts an acceptable financial guaranty, as required by the City's Subdivision Ordinance and the Development Process Manual; and

WHEREAS, the Developer is able to provide the required financial guaranty;

NOW THEREFORE in consideration of the above and the mutual promises contained herein, the parties agree:

1. The required completion date for construction of the improvements, as set forth in the attached Exhibit A, is extended (Complete either A or B:)

A. for all improvements, the 31st day of December, 2004.

B. on portions of the improvements as follows:

IMPROVEMENTS	COMPLETION DATE

2004002892
6016375
Page: 1 of 3
01/09/2004 11:03A
Bk-A71 Pg-2882
Mary Herrera Bern. Co. AGRE R 13.00

2. With this Extension Agreement, Developer has provided the City with the following financial guaranty:

Type of Financial Guaranty: Loan Reserve Letter
Amount: $455,353.21
Name of Financial Institution or Surety providing Guaranty: Bank of Oklahoma
Date City first able to call Guaranty (Construction Completion Deadline): December 31, 2004.
If Guaranty other than a Bond, last day City able to call Guaranty is: February 28, 2005.
Additional information: _____

3. The parties agree that all terms and conditions of the Earlier Agreement not in conflict with this Extension Agreement shall remain valid, in force, and binding upon the parties. By executing this Agreement, the parties only intention is to extend the construction completion deadline established in the Earlier Agreement and establish a revised financial guaranty for the benefit of the City.

Executed on the date stated in the first paragraph of this Agreement.

DEVELOPER:

HUNT UPTOWN, II, LLC, a New Mexico limited liability company

By: Hunt ELP, Ltd., a Texas limited partnership, Its Managing Member

By: HB GP, LLC, a Nevada limited liability company, General Partner

By: _____
Gary B. Sapp
Executive Vice President

CITY OF ALBUQUERQUE:

_____
City Engineer
Dated: 1-05-04

1-6-04

1/7/04

DEVELOPER'S NOTARY

STATE OF Texas)
) ss.
COUNTY OF El Paso)

This instrument was acknowledged before me on 22 day of December, 2003, by (name of person:) Gary B. Sapp, (title or capacity, for instance, "President" or "Owner") Executive Vice President of HB GP, LLC, a Nevada limited liability company, General Partner of Hunt ELP, Ltd., a Texas limited partnership, Managing Member of Hunt Uptown, II, LLC, a New Mexico limited liability company.

MARTHA M. ELIAS NOTARY PUBLIC STATE OF TEXAS EXPIRES 10-17-2005

_____
Notary Public

My Commission Expires:

_____

2004002892
6816375
Page: 2 of 3
01/09/2004 11:03A
Bk-A71 Pg-2882
Mary Herrera Bern. Co. AGRE R 13.00

CITY'S NOTARY

STATE OF NEW MEXICO)
) ss.
COUNTY OF BERNALILLO)

This instrument was acknowledged before me on 8th day of January, 20 04 by Richard Martin, City Engineer of the City of Albuquerque, a municipal corporation, on behalf of said corporation.

Kathleen Jaramillo
Notary Public

My Commission Expires:

Jan 27, 2005

Jan 27, 2005

2004002892
6816375
Page: 3 of 3
01/09/2004 11:03A
Bk-A71 Pg-2882
R 13.00
Bern. Co. AGRE
Mary Herrera

BANK OF OKLAHOMA N.A.

December 22, 2003

Jay J. Czar
Chief Administrative Officer
City of Albuquerque
P.O. Box 1293
Albuquerque, NM 87103

RE: Loan Reserve for Hunt Uptown II, LLC
City of Albuquerque Project No.: 700881
Project Name: Uptown Spectrum

Dear Mr. Czar

This is to advise the City Of Albuquerque ("City") that, at the request of Hunt Uptown II, LLC, Bank Of Oklahoma, N.A. ("Financial Institution") in Oklahoma City, Oklahoma holds as a loan reserve the sum of Four Hundred Fifty-five Thousand Three Hundred Fifty-three Dollars and and 21/100, ($455,353.21) ("Loan Reserve") for the exclusive purpose of providing the financial guarantee which the City requires Hunt Uptown, LLC ("Subdivider") to provide for the installation the improvements which must be constructed at Uptown Spectrum Project No. 700881 ("Project"). The amount of the Loan Reserve is 125% of the City's estimated cost of the Project, as required by the City's Subdivision Ordinance. The improvements are identified in the agreement between the City of Albuquerque and Subdivider, which was recorded on _11612003_ in the records of the Clerk of Bernalillo County, New Mexico in Book Misc._A48_at Page 2664 as amended by Extension Agreement recorded on 1/9/04, in Book A 71, Page 2892.

1. Reduction of Reserve. If the Assistant Director of Public Works/Engineering for the City, or that person's authorized designee, determines that it is appropriate to release a specified amount of the loan reserves as the result of the Subdivider's construction of a portion of the required infrastructure, the Assistant Director of Public Works/Engineering, or that person's authorized designee, may execute an "Authorization to Release" which will authorize the Financial Institution to release a specified amount from the loan reserves. The Authorization to Release will state the amount of the "Reduced Loan Reserve Balance" which must be maintained following the reduction. The Reduced Loan Reserve Balance shall not be reduced by more than 90% of the City's estimated cost of the Project until the Project is accepted by the City. When the Financial Institution receives the Authorization to Release, which has been signed by the City, the Financial Institution may reduce the loan reserve to the Reduced Loan Reserve Balance.

2. Liability of Financial Institution. Although the City may approve the Financial Institution's release of a part of the loan reserves, the approval will not constitute the City's final acceptance of part or all of the Project. However, no matter what agreement exists between the Subdivider and the City, the total liability of the Financial Institution to the City with respect to the loan reserves established pursuant to this Loan Reserve Letter shall at all times be limited to the lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City, and the Financial Institution's liability to the City under this Loan Reserve Letter shall cease upon termination of the loan reserve as provided in Section 4 herein.

3. Draw on Reserve. If by December 31, 2004, the improvements described in the Agreement have not been fully installed, inspected, approved and accepted by the City, then, upon presentation between December 31, 2004 and February 28, 2005, inclusive, the City may demand payment from the Financial Institution up to the Lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The City may demand payment by delivering to the Financial Institution a certified "Demand for Payment " executed by the CAO which shall state that the Subdivider has failed to comply with the terms of the Agreement and also shall state the estimated cost for completion the improvements specified in the Agreement ("Estimated Cost of Completion"). Upon receipt of the Demand for Payment, the Financial Institution promptly shall draw from the loan reserves by cashier's check to the City of Albuquerque the amount of 125% of the estimated cost of completion, not to exceed the lesser of the total Loan Reserve amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The Financial Institution shall deliver the cashier's check promptly to the City.

4. Termination of Reserve. This loan reserve is for the benefit of the City and shall be irrevocable until the occurrence of one of the following:

A. Sixty (60) days after the City accepts the completed improvements specified in the Agreement;or

B. City delivery of the Demand for Payment and the Financial Institution's payment to the City by cashier's check as required in Section 3 herein; or

C. Expiration of the date February 28, 2005;or

D. Written termination of this Loan Reserve Letter, signed by the Chief Administrator Office of the City, or authorized designee.

Very truly yours,
Bank of Oklahoma, N.A.

Trenton Stafford
Vice President

Accepted:
City of Albuquerque

By: _____
Chief Administrative Officer
or authorized designee
Title:
Dated:

Acknowledged:
Hunt Uptown II, LLC

By: Hunt ELP. Ltd., a Texas limited liability partnership
Its: Managing Member

By: HB GP, LLC, a Nevada limited liability company
Its: General Partner

By: _____
Gary B. Sapp, Executive Vice President

3. Draw on Reserve. If by December 31, 2004, the improvements described in the Agreement have not been fully installed, inspected, approved and accepted by the City, then, upon presentation between December 31, 2004 and February 28, 2005, inclusive, the City may demand payment from the Financial Institution up to the Lesser of the amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The City may demand payment by delivering to the Financial Institution a certified "Demand for Payment " executed by the CAO which shall state that the Subdivider has failed to comply with the terms of the Agreement and also shall state the estimated cost for completion the improvements specified in the Agreement ("Estimated Cost of Completion"). Upon receipt of the Demand for Payment, the Financial Institution promptly shall draw from the loan reserves by cashier's check to the City of Albuquerque the amount of 125% of the estimated cost of completion, not to exceed the lesser of the total Loan Reserve amount stated in this Loan Reserve Letter or the latest Reduced Loan Reserve Balance authorized in writing by the City. The Financial Institution shall deliver the cashier's check promptly to the City.

4. Termination of Reserve. This loan reserve is for the benefit of the City and shall be irrevocable until the occurrence of one of the following:

A. Sixty (60) days after the City accepts the completed improvements specified in the Agreement;or

B. City delivery of the Demand for Payment and the Financial Institution's payment to the City by cashier's check as required in Section 3 herein; or

C. Expiration of the date February 28, 2005;or

D. Written termination of this Loan Reserve Letter, signed by the Chief Administrator Office of the City, or authorized designee.

Very truly yours,
Bank of Oklahoma, N.A.

Trenton Stafford
Vice President

Accepted:
City of Albuquerque

By: _____
Chief Administrative Officer
or authorized designee
Title:
Dated:

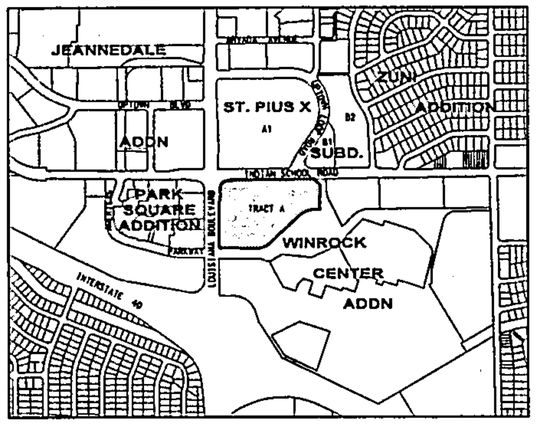
Acknowledged:
Hunt Uptown II, LLC

By: Hunt ELP, Ltd., a Texas limited liability partnership
Its: Managing Member

By: HB GP, LLC, a Nevada limited liability company
Its: General Partner

By: _____
Gary B. Sapp, Executive Vice President

SP-2004253088



LOCATION MAP

ZONE ATLAS INDEX MAP No. J-19-Z

NOT TO SCALE

SUBDIVISION DATA

1. DRB Project No.
2. Zone Atlas Index No. J-19-Z.
3. Gross Subdivision Acreage: 11.7540 acres.
4. Total Number of Tracts created: Two (2) Tracts.
5. Total Mileage of Full Width Streets created: 0.1403 mile
6. Total Mileage of Partial Width Streets created: 0.1505 mile
7. Date of Survey: June 2004
8. Plat is located within the Northwest One-quarter (SW1/4) of Section 18, Township 10 North, Range 4 East, New Mexico Principal Meridian, Bernalillo County, Albuquerque, New Mexico.

DISCLOSURE STATEMENT

The purpose of this Plat is to Subdivide a portion of Tract A of the Plat of NW1/4, Section 18, Township 10 North, Range 4 East, N.M.P.M., as the same is shown and designated on the plat thereof, recorded in the office of the County Clerk of Bernalillo County, New Mexico on April 1, 1953 in Volume D1, Folio 86, and also being the same as described in Quitclaim Deed, recorded in the office of the County Clerk of Bernalillo County New Mexico on April 4, 2002 in Book A34, Page 4450 as Document No. 2002044557 into Two (2) Tracts and to dedicate additional public street right-of-way to the City of Albuquerque.

NOTES

1. Bearings are New Mexico State Plane Grid Bearings (Central Zone NAD 1927 Datum). Basis of Bearings: N00°49'51"W between ACS Monuments "20-H18" and "15-H18"
2. Distances are Ground Distances.
3. All Easements of record are shown.
4. Record Bearings and distances are shown in parenthesis ( ).

PUBLIC UTILITY EASEMENTS

PUBLIC UTILITY EASEMENTS shown on this Plat are for the common joint use of:

A. PNM Electric Services for the installation, maintenance and service of underground/overhead electrical lines, transformers, and other equipment, fixtures, structures, and related facilities reasonably necessary to provide electrical service.

B. PNM Gas services for installation, maintenance, and service of natural gas lines, valves and other equipment and facilities reasonably necessary to provide natural gas.

C. QWEST for the installation, maintenance, and service of all buried communication lines and other related equipment and facilities reasonably necessary to provide communication services, including but not limited to above ground pedestals and closures.

D. Comcast Cable for the installation, maintenance, and service of such lines, cable, and other related equipment and facilities reasonably necessary to provide Cable TV service.

Included is the right to build, rebuild, construct, reconstruct, locate, relocate, change, remove, modify, renew, operate, and maintain facilities for the purposes described above, together with free access to, from, and over said easements, including sufficient working area space for electric transformers, with the right and privilege to trim and remove trees, shrubs or bushes which interfere with the purposes set forth herein. No building, sign, pool, (above ground or subsurface), hot tub, concrete or wood pool decking, or other structure shall be erected or constructed on said easements, nor shall any well be drilled or operated thereon. Property owners shall be solely responsible for correcting any violations of National Electric Safety Code caused by construction of pools, decking, or any structures adjacent to or near easements shown on this Plat.

Easements for electric transformers/switchgears, as installed shall extend ten feet(10') in front of transformers/switchgear door and five feet (5') on each side.

DESCRIPTION

A certain tract of land situate within Bernalillo County, Albuquerque, New Mexico, being and comprising a portion of Tract A of the Plat of NW1/4, Section 18, Township 10 North, Range 4 East, N.M.P.M., as the same is shown and designated on the plat thereof, recorded in the office of the County Clerk of Bernalillo County, New Mexico on April 1, 1953 in Volume D1, Folio 86, and also being the same as described in Quitclaim Deed, recorded in the office of the County Clerk of Bernalillo County New Mexico on April 4, 2002 in Book A34, Page 4450 as Document No. 2002044557 and being more particularly described by New Mexico State Plane Grid Bearings (Central Zone NAD27 Datum) and ground distances as follows:

Beginning at the northeast corner of the tract herein described, a point on the southerly right-of-way line of Indian School Road NE and also being the northwest corner of Parcel A-1-A, Winrock Center Addition, Albuquerque, New Mexico, as the same is shown and designated on the plat thereof, recorded in the office of the County Clerk of Bernalillo County, New Mexico on October 28, 1996 in Volume 96C, Folio 446 as Document No. 96117928, and whence the Albuquerque City Survey (ACS) Monument "15-H18, 1989" a 3 1/4 inch aluminum tablet set in top of a concrete curb, having New Mexico State Plane Grid Coordinates (Central Zone NAD 1927) of X=404,773.95 and Y=1,495,049.22 bears N21°18'57"W, a distance of 2830.35 feet, thence leaving said right-of-way line and running thence along the easterly boundary line of the tract herein described,
S45°08'21"E, a distance of 77.36 feet to a point; thence,
S00°11'25"W, a distance of 240.85 feet to the southeast corner of the tract herein described; thence,
S89°33'25"W, a distance of 45.16 feet to a point of curvature (non-tangent); thence,
171.25 feet along the arc of a curve to the left having a radius of 230.00 feet and a chord which bears S68°11'16"W, a distance of 167.33 feet to a point of non-tangency; thence,
S46°55'26"W, a distance of 406.62 feet to a point of curvature (non-tangent); thence,
94.36 feet along the arc of a curve to the right having a radius of 125.00 feet and a chord which bears S68°31'55"W, a distance of 91.86 feet to a point of non-tangency; thence,
N89°49'09"W, a distance of 362.01 feet to the southwest corner of the tract herein described; thence,
N00°30'17"E, a distance of 4.88 feet to a point of curvature non-tangent; thence,
30.35 feet along the arc of a curve to the right having a radius of 19.33 feet and a chord which bears N45°10'40"W, a distance of 27.33 feet to a point of non-tangency on the westerly boundary line of the tract herein described and also being a point on the easterly right-of-way line of Louisiana Boulevard NE, thence running along the westerly boundary line of the tract herein described and also along said right-of-way line,
N00°01'27"W, a distance of 393.89 feet to a point of curvature (non-tangent); thence,
40.36 feet along the arc of a curve to the right having a radius of 139.33 feet and a chord which bears N08°09'55"E, a distance of 40.22 feet to a point of reverse curvature (non-tangent); thence,
47.41 feet along the arc of a curve to the left having a radius of 160.67 feet and a chord which bears N08°06'34"E, a distance of 47.24 feet to a point of non-tangency; thence,
N00°16'16"W, a distance of 64.22 feet to a point of curvature (non-tangent); thence,
46.67 feet along the arc of a curve to the right having a radius of 139.33 feet and a chord which bears N09°09'47"E, a distance of 46.45 feet to a point of compound curvature (non-tangent); thence,
47.64 feet along the arc of a curve to the right having a radius of 49.33 feet and a chord which bears N46°34'41"E, a distance of 45.81 feet to a point of compound curvature (non-tangent); thence,
65.04 feet along the arc of a curve to the right having a radius of 239.33 feet and a chord which bears N81°54'05"E, a distance of 64.84 feet to a point of non-tangency; thence,
N00°02'13"E, a distance of 6.23 feet to the northwest corner of the tract herein described, a point on the southerly right-of-way line of Indian School Road NE, thence running along the northerly boundary line of the tract herein described and also along said right-of-way line,
N89°31'35"E, a distance of 793.56 feet to the point and place of beginning.

Tract contains 11.7540 acres, more or less.

FREE CONSENT AND DEDICATION

The foregoing Plat of that certain tract of land situate within the Southwest One-quarter (NW1/4) of Section 18, Township 10 North, Range 4 East, New Mexico Principal Meridian, Bernalillo County, Albuquerque New Mexico, being and comprising a portion of Tract A of the Plat of NW1/4, Section 18, Township 10 North, Ranse 4 East, N.M.P.M., as the same is shown and designated on the plat thereof, recorded in the office of the County Clerk of Bernalillo County, New Mexico on April 1, 1953 in Volume D1, Folio 86, and also being the same as described in Quitclaim Deed, recorded in the office of the County Clerk of Bernalillo County New Mexico on April 4, 2002 in Book A34, Page 4450 as Document No. 2002044557, now comprising TRACTS A & B of HUNT-SPECTRUM DEVELOPMENT SITE, Albuquerque, New Mexico is with the free consent and in accordance with the desires of the undersigned owner(s) and/or proprietor(s) thereof and said owner(s) and/or proprietor(s) do hereby dedicate public right-of-way to the City of Albuquerque in Fee Simple with warranty covenants and do hereby grant all access, Utility, and Drainage Easements hereon including the right to construct, operate, inspect, and maintain facilities therein and all Public Utility easements shown hereon for the common and joint use of Gas, Electrical Power and Communication Services for buried and overhead distribution lines, conduits, pipes for underground and/or overhead Utilities where shown or indicated, and including the right of ingress and egress for construction and maintenance, and the right to trim interfering trees and shrubs. The City has the right to enter upon the Grantees Property at any time and perform whatever inspection, installation, maintenance, repair, modification or removal ("Work") it deems appropriate without liability to the City. If Work affects any Improvements or Encroachments made by the Grantee, the City will not be financially or otherwise responsible for rebuilding or repairing of Improvements or Encroachments. If in the opinion of the City, the Work to be performed by the City could endanger the structural integrity or otherwise damage the Improvements or Encroachments, the Grantee shall, at its own expense take whatever protective measures are required to safeguard the Improvements or Encroachments. Those signing as owner(s) warrant that they hold among them complete and indefeasible title (in fee simple) to the land subdivided. Grantor does hereby consent to all of the foregoing and does hereby certify that this subdivision is with its free act and deed.

HUNT UPTOWN II, LLC

BY: _____
Gary B. Sapp
Executive Vice President
Hunt Uptown II, LLC

STATE OF _____)
SS
COUNTY OF _____)

This instrument was acknowledged before me on ____ day of _____, 2004 by Gary B. Sapp, Executive Vice President of Hunt Uptown II, LLC, a New Mexico Limited Liability Company.

My Commission Expires: _____ _____
Notary Public

SURVEYOR'S CERTIFICATION

I, A. Dwain Weaver, a registered Professional New Mexico Surveyor, certify that I am responsible for this survey and that this plat was prepared by me or under my supervision, shows all easements of record, and conforms to the Minimum Requirements of the Board of Registration for Professional Engineers and Professional Surveyors in October, 2000 and meets the minimum requirements for monumentation and surveys contained in the Albuquerque Subdivision Ordinance, and is true and accurate to the best of my knowledge and belief.

A. DWAIN WEAVER NEW MEXICO 6544 REGISTERED PROFESSIONAL SURVEYOR

_____
A. Dwain Weaver
New Mexico Professional Surveyor 6544

Date: June 25, 2004

PLAT OF

TRACTS A & B HUNT-SPECTRUM DEVELOPMENT SITE

(A REPLAT OF A PORTION OF TRACT A NW 1/4, SECTION 18, T10N, R4E NMPM)

ALBUQUERQUE, NEW MEXICO
JUNE, 2004

PROJECT NUMBER _____

APPLICATION NUMBER _____

PLAT APPROVAL

UTILITY APPROVALS:

_____ QWEST	DATE _____
_____ COMCAST CABLE	DATE _____
_____ PNM ELECTRIC SERVICES	DATE _____
_____ PNM GAS SERVICES	DATE _____

CITY APPROVALS:

_____ CITY SURVEYOR	DATE _____
_____ TRAFFIC ENGINEERING, TRANSPORTATION DIVISION	DATE _____
_____ UTILITIES DEVELOPMENT	DATE _____
_____ PARKS & RECREATION DEPARTMENT	DATE _____
_____ A.M.A.F.C.A.	DATE _____
_____ CITY ENGINEER	DATE _____
_____ DRB CHAIRPERSON, PLANNING DEPARTMENT	DATE _____
_____ REAL PROPERTY DIVISION	DATE _____
_____ ENVIRONMENTAL HEALTH DEPARTMENT	DATE _____

TAX CERTIFICATION

PROPERTY OWNER OF RECORD _____

_____ _____
BERNALILLO COUNTY TREASURER'S OFFICE DATE

PNM STAMP

In approving this plat, PNM Electric Services and Gas Services (PNM) did not conduct a Title Search of the properties shown hereon. Consequently, PNM does not waive nor release any easement or easement rights to which it may be entitled.

Bohannan ▲ Huston Inc.

Courtyard I 7500 Jefferson St. NE Albuquerque, NM 87109-4335

ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

P:\020110\survey\021_MonroeExhibit_plat\graphics\020110monroeReplat.dgn JOB NO. 020110 021
11-NOV-2004
08:35
mcole

ACS ALUMINUM CAP STAMPED "20-H18, 1989"
GEOGRAPHIC POSITION (NAD 1927)
NM STATE PLANE COORDINATES (CENTRAL ZONE)
X=404,802.33 Y=1,493,092.39
GROUND TO GRID FACTOR = 0.99965788
DELTA ALPHA = -0°10'59"
NGVD 1929 ELEVATION = 5280.592

ACS ALUMINUM CAP STAMPED "15-H18, 1989"
GEOGRAPHIC POSITION (NAD 1927)
NM STATE PLANE COORDINATES (CENTRAL ZONE)
X=404,773.95 Y=1,495,049.22
GROUND TO GRID FACTOR = 0.99965691
DELTA ALPHA = -0°10'59"
NGVD 1929 ELEVATION = 5300.769

PLAT OF
TRACTS A & B HUNT-SPECTRUM DEVELOPMENT SITE

(A REPLAT OF A PORTION OF TRACT A NW 1/4, SECTION 18, T10N, R4E NMPM)

ALBUQUERQUE, NEW MEXICO
JUNE, 2004

N

100 50 0 100
SCALE: 1" = 100'

A. DWAIN WEAVER
NEW MEXICO
6544
REGISTERED PROFESSIONAL SURVEYOR

(S11°41'21"W 1116.33')

PLAT OF TRACTS A-1, B-1 AND B-2
ST. PUIS X SUBDIVISION
FILED: MAY 10, 2001
(2001C-140)

TRACT A-1

TRACT B-1

(S11°18'57"W 2830.35')

UPTOWN LOOP ROAD NE (R/W VARIES)

EXISTING 7' PNM & NSTAT EASEMENT
FILED: NOVEMBER 18, 1960
(BK.D-571, PG.432)

INDIAN SCHOOL ROAD NE

(103' R/W)

(N89°30'22"E 793.44')
N89°31'35"E 793.56'

298.67'
272.06'
159.29'
(S89°08'43"E 315.08')
317.34'
(317.34')

10' PUE

TRACT 1-D-1A1
PARK SQUARE ADDITION
FILED: MARCH 21, 1990
(90C-62)

AMERICAS PARKWAY LOOP ROAD AGREEMENT
FILED: SEPTEMBER 24, 2002
(BK. A42, PG. 1947)
DOCUMENT NO. 200212292

AMERICAS PARKWAY LOOP ROAD AGREEMENT
FILED: DECEMBER 12, 2002
(BK. A46, PG. 4958)
DOCUMENT NO. 2002165390

PERMANENT ROADWAY EASEMENT
AMERICAS PARKWAY LOOP ROAD
FILED: DECEMBER 12, 2002
(BK. A46, PG. 4959)
DOCUMENT NO. 2002165391

TRACT A
7.4666 Acres

TRACT B
2.4766 Acres

PUBLIC STREET RIGHT-OF-WAY TO BE DEDICATED TO THE CITY OF ALBUQUERQUE WITH THE FILING OF THIS PLAT

EXISTING 3' PNM & NSTAT EASEMENT
FILED: NOVEMBER 18, 1960
(BK.D-571, PG.432)

WINROCK LOOP ROAD

PARCEL C-2-A
WINROCK CENTER ADDITION
FILED: OCTOBER 28, 1996
(96C-446)

PARCEL A-1-A

TRACT 1-E-1A-1

LOUISIANA BOULEVARD NE (R/W VARIES)

PARK SQUARE ADDITION
FILED: AUGUST 8, 1990
(90C-180)

TRACT 1-H-1A

TRACT 1-F

EXISTING EASEMENT AGREEMENT AND COVENANT
FILED: NOVEMBER 27, 2002
(BK. A45, PG. 6741)
DOCUMENT NO. 2002157155

AMERICAS PARKWAY LOOP ROAD AGREEMENT TO CONSTRUCT SUBDIVISION IMPROVEMENTS
FILED: JANUARY 6, 2003
(BK. A48, PG. 2664)
DOCUMENT NO. 2003002670
MODIFIED BY EXTENSION AGREEMENT
FILED: JANUARY 5, 2004
(BK. A71, PG. 2862)
DOCUMENT NO. 2004002892

(N00°02'24"W 393.89')
N00°01'21"W 393.89'

N89°58'33"E 193.48'

182.89'

S00°10'51"W 207.66'

SEE DETAIL "A"

N89°59'04"E 257.44'
(N89°49'19"W) N89°49'09"W 362.01' (361.97')
173.41'

AMERICAS PARKWAY ROAD NE (86' R/W)

AMERICAS PARKWAY ROAD NE (103' R/W)

UPTOWN LOOP ROAD NE

SHADED AREA DESIGNATES AGREEMENT AND PERMANENT EASEMENT (AMERICAS PARKWAY LOOP ROAD) RELEASED BY THE CITY OF ALBUQUERQUE IN PARTIAL RELEASE OF EASEMENT
FILED: MAY 24, 2004
(BK. A77, PG. 9771)
DOCUMENT NO. 2004069963

PARCEL A-1-A
WINROCK CENTER ADDITION
FILED: OCTOBER 28, 1996
(96C-446)

S25°12'40"E 85.00'
(S29°12'11"W 85.00')

372.88'
S46°55'23"W 406.63'
(S46°54'57"W 406.81')

N15°31'09"E 167.94'
S15°31'05"W 148.53'

TANGENT DATA

ID	BEARING	DISTANCE
T1	S89°33'25"W	45.14'
	(S89°20'41"W)	(45.15')
T2	N00°30'17"E	4.88'
	(N00°02'24"W)	(4.77')
T3	N00°16'16"W	64.22'
	(N00°16'30"W)	(64.21')
T4	N00°02'13"E	6.23'
	(N00°10'59"W)	(6.21')
T5	N13°10'58"E	63.16'
T6	S00°28'25"E	4.64'
	(S00°28'54"E)	(4.64')
T7	S89°30'55"W	59.56'
	(S89°30'26"W)	(59.56')
T8	S15°31'05"W	28.33'
	(S15°30'36"W)	(28.33')
T9	S89°30'55"W	51.14'
	(S89°30'26"W)	(51.14')
T10	S19°10'58"W	55.80'
T11	S46°55'26"W	33.15'
	(S46°54'47"W)	(33.15')
T12	N00°30'17"E	10.91'
	(N00°39'50"E)	(10.91')
T13	N19°10'58"E	63.18'
	(N19°10'29"E)	(63.18')
T14	N15°31'05"E	96.76'
	(N15°30'36"E)	(96.76')
T15	S89°30'47"W	99.36'
	(S89°30'18"W)	(99.36')
T16	S89°31'35"W	5.00'
	(S89°31'06"W)	(5.00')
T17	N00°28'25"W	6.83'
	(N00°28'54"W)	(6.83')
T18	S00°30'17"W	6.03'
T19	S89°31'35"W	63.54'
	(S89°31'06"W)	(63.54')
T20	S29°12'40"W	85.00'
	(S29°12'11"W)	(85.00')

CURVE DATA

ID	DELTA	TANGENT	ARC	RADIUS	CHORD	CHORD BRG
C1	42°39'41"	89.82'	171.25'	230.00'	167.33'	S68°11'16"W
	(42°38'25")		(171.17')		(167.25')	(S68°11'10"W)
C2	43°06'56"	49.36'	94.06'	125.00'	91.86'	S68°31'55"W
	(43°06'47")		(94.13')		(91.92')	(S68°34'19"W)
C3	89°58'15"	19.32'	30.35'	19.33'	27.33'	N45°10'40"W
	(90°00'00")		(30.36')		(27.34')	(N45°02'24"W)
C4	16°35'56"	20.32'	40.36'	139.33'	40.22'	N08°09'55"E
	(16°37'13")		(40.42')		(40.27')	(N08°08'48"E)
C5	16°54'27"	23.88'	47.41'	160.67'	47.24'	N08°06'34"E
	(16°53'18")		(47.36')		(47.19')	(N08°07'12"E)
C6	19°11'28"	23.55'	46.67'	139.33'	46.45'	N09°09'47"E
	(19°11'36")		(46.67')		(46.46')	(N09°08'43"E)
C7	55°19'56"	25.86'	47.64'	49.33'	45.81'	N46°34'41"E
	(55°19'36")		(47.63')		(45.81')	(N46°33'45"E)
C8	15°34'17"	32.72'	65.04'	239.33'	64.84'	N81°54'05"E
	(15°36'07")		(65.17')		(64.97')	(N82°00'59"E)
C9	05°36'51"	8.97'	17.93'	183.00'	17.92'	N50°39'50"E
C10	28°42'16"	70.36'	137.76'	274.98'	136.32'	N33°30'16"E
C11	09°59'56"	56.86'	113.43'	650.00'	113.29'	N24°12'42"E
C12	13°41'35"	78.04'	155.34'	650.00'	154.97'	N22°21'53"E
C13	13°41'35"	83.81'	166.81'	698.00'	166.42'	S22°21'53"W
C14	09°59'52"	52.66'	105.05'	602.00'	104.91'	S24°12'44"W
C15	01°06'20"	3.00'	5.99'	310.50'	5.99'	S31°31'09"W
C16	02°06'38"	30.93'	61.85'	1678.84'	61.84'	S27°23'31"W
	(02°06'36")		(61.83')	(1678.84')	(61.82')	(S27°23'04"W)
C17	41°05'22"	46.85'	89.64'	125.00'	87.73'	S67°31'08"W
C18	02°01'34"	2.21'	4.42'	125.00'	4.42'	S89°04'36"W
C19	42°07'39"	51.99'	99.26'	135.00'	97.04'	N68°55'14"E
	(42°20'55")		(99.78')	(135.00')	(97.53')	(N68°48'07"E)
C20	28°42'27"	58.08'	113.72'	226.98'	112.54'	N33°30'11"E
	(28°29'11")		(112.85')	(226.98')	(111.69')	(N33°23'04"E)
C21	10°00'00"	61.07'	121.82'	698.00'	121.67'	N84°13'40"E
	(10°00'00")		(121.82')	(698.00')	(121.67')	(N84°17'41"E)
C22	13°41'35"	72.28'	143.87'	602.00'	143.53'	N22°21'53"E
	(13°41'35")		(143.87')	(602.00')	(143.53')	(N22°21'24"E)
C23	106°00'18"	39.81'	55.50'	30.00'	47.92'	N37°29'04"W
	(106°00'18")		(55.50')	(30.00')	(47.92')	(N37°29'33"W)
C24	13°21'58"	18.88'	37.58'	161.10'	37.50'	N82°10'33"W
	(13°21'58")		(37.58')	(161.10')	(37.50')	(N82°11'02"W)
C25	15°01'07"	18.31'	36.41'	138.90'	36.30'	N83°00'08"W
	(15°01'07")		(36.41')	(138.90')	(36.30')	(N83°00'37"W)

LOUISIANA BLVD. NE (R/W VARIES)

TRACT A
7.4666 Acres

N89°59'04"E 257.44'
N89°49'09"W 362.01'

PUBLIC STREET R/W DEDICATED TO THE CITY OF ALBUQUERQUE WITH THE FILING OF THIS PLAT

AMERICAS PARKWAY ROAD NE (103' R/W)

DETAIL "A"
NOT TO SCALE

LEGEND

- SUBDIVISION BOUNDARY LINE
- EXISTING EASEMENT LINE
- ADJOINING PROPERTY LINE
- CITY OF ALBUQUERQUE CONTROL MONUMENT
- SET 5/8" REBAR WITH 1 1/2" YELLOW PLASTIC SURVEY CAP STAMPED "WEAVER LS 6544"
- FOUND CHISELED "+" IN CONCRETE
- FOUND 5/8" REBAR
- FOUND PK NAIL WITH YELLOW CAP STAMPED "LS 11184"
- 10'PUE 10' PUBLIC UTILITY EASEMENT TO BE GRANTED WITH THE FILING OF THIS PLAT
- FOUND 5/8" REBAR WITH YELLOW SURVEY CAP STAMPED "LS 11184"
- FOUND PK NAIL WITH 1 1/2" ALUMINUM WASHER STAMPED "HUGG 5823"
- FOUND 2 1/2" BRASS CAP IN CONCRETE STAMPED "WINROCK 1979 DTH 1010" P.T. NO. IS NOTED AT EACH POINT
- CONCRETE NAIL WITH 1" BRASS WASHER STAMPED "PS 6544"
- FOUND 60d NAIL
- CENTERLINE MONUMENT TO BE INSTALLED

SHEET 2 OF 2

Bohannan ▲ Huston, Inc.
Courtyard I 7500 Jefferson St. NE Albuquerque, NM 87109-4335
ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

P:\020110\survey\021_MonroeExhibit_plat\graphics\020110monroeReplat.dgn
11-NOV-2004
08:36
meale
JOB NO. 020110 021

Current DRC
Project No. _____

ORIGINAL

Date Submitted: 11-20-03
Date Site Plan for Bldg Permit App 11/20/03
Date Site Plan for Sub. Approved: 11/20/02
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A

Figure 12

INFRASTRUCTURE LIST

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

DRB Project No. 1002337
Application No. 02DRB01708

UPTOWN SPECTRUM
(TRACT A MONROE JR. HIGH SCHOOL)

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantees. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SITE PLAN FOR BUILDING PERMIT

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
			PUBLIC ROADWAY IMPROVEMENTS						
		~~76'~~ 78' F-F	ARTERIAL PVMT. / BOTH 15' SIDWALK ~~WEST~~ SIDES STANDARD C&G, WEST SIDE MEDIAN CURB AND GUTTER	UPTOWN LOOP ROAD	~~INDIAN SCHOOL~~ LOUISIANA	~~WINROCK ENTRANCE~~ INDIAN SCHOOL	/	/	/
		125'X12'	SOUTHBOUND RT. TURN LANE	UPTOWN LOOP ROAD	AT WINROCK ENTRANCE		/	/	/
		12' WIDE	BUS BAY	UPTOWN LOOP ROAD	50' SOUTH OF INDIAN SCHOOL		/	/	/
		175'	LENGTHEN EXISTING WESTBOUND DUAL LEFT TURN LANE	UPTOWN LOOP ROAD	AT LOUISIANA		/	/	/
		325' X 12'	NORTHBOUND RIGHT TURN LANE (MAY INCLUDE BUS BAY)	UPTOWN LOOP ROAD	AT INDIAN SCHOOL		/	/	/
		160'	SOUTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N. ENTRANCE		/	/	/
		125'	NORTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N. ENTRANCE		/	/	/
		185'	NORTHBOUND RIGHT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N. ENTRANCE		/	/	/
		160'	NORTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT INDIAN SCHOOL		/	/	/
		200'X12'	E. BOUND LEFT TURN LANE MODIFICATION	INDIAN SCHOOL	AT LOUISIANA		/	/	/
		200'X12'	W. BOUND DUAL LEFT TURN LANE	INDIAN SCHOOL	AT LOUISIANA		/	/	/
		200'X12'	W. BOUND DUAL LEFT TURN LANE	INDIAN SCHOOL	AT UPTOWN LOOP ROAD		/	/	/
		80'X12'	N. BOUND RIGHT TURN LANE	LOUISIANA	AT DRIVEWAY		/	/	/
		12' WIDE	BUS BAY	N. BOUND LOUISIANA	NORTH OF DRIVEWAY		/	/	/
		100'X12'	W. BOUND LEFT TURN LANE	INDIAN SCHOOL	AT DRIVEWAY		/	/	/
		90'X12'	E. BOUND RIGHT TURN LANE	INDIAN SCHOOL	AT DRIVEWAY		/	/	/

2003002670
5785662
Page: 7 of 9
01/06/2003 03:05P
Mary Herrera Bern. Co. AGRE R 25.00 Bk-A48 Pg-2664

ORIGINAL

135'X12'	E. BOUND RIGHT TURN LANE	INDIAN SCHOOL	AT UPTOWN LOOP ROAD	

SIGNALIZATION MODIFICATION AT INDIAN SCHOOL AND LOUISIANA

SIGNALIZATION AT UPTOWN LOOP ROAD AND INDIAN SCHOOL

PUBLIC SANITARY SEWER IMPROVEMENTS

8" DIA	SANITARY SEWER W/ NEC. MH'S & SERVICES	UPTOWN LOOP ROAD	INDIAN SCHOOL	LOUISIANA

PUBLIC WATERLINE IMPROVEMENTS

10" DIA	WATERLINE W/ NEC. VALVES FH'S, MJ'S & RJ'S	PUBLIC EASEMENT INTERNAL TO SITE	UPTOWN LOOP ROAD NEAR DRIVEWAY ENTRANCE	UPTOWN LOOP ROAD JUST EAST OF INT. W/ LOUISIANA
10" DIA	WATERLINE W/ NEC. VALVES FH'S, MJ'S & RJ'S	UPTOWN LOOP ROAD	INDIAN SCHOOL	LOUISIANA
PUBLIC FH	EAST SIDE OF LOUISIANA	JUST SOUTH OF INDIAN SCHOOL		

PUBLIC STORM DRAIN IMPROVEMENTS

36" DIA - 48" DIA	STORM DRAIN WITH NEC. INLETS AND MANHOLES	LOUISIANA	UPTOWN LOOP ROAD	INDIAN SCHOOL
84" SD	STORM DRAIN WITH NEC. INLETS AND MANHOLES	UPTOWN LOOP ROAD	INDIAN SCHOOL	I-40 CHANNEL

AGENT/OWNER

BRUCE STIDWORTHY — PREPARED BY: PRINT NAME — 11/20/2002 DATE

BOHANNAN HUSTON INC. — FIRM:

SIGNATURE

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION

11-20-04

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Sheran Matson	11/20/02	Christina Sandoval	11/20/02
~~DRB CHAIR~~ Planning	DATE	~~PARKS & GENERAL SERVICES~~ Recreation	DATE
[illegible]	11-20-02	N/A	
TRANSPORTATION DEVELOPMENT	DATE	AMAFCA	DATE
Roger Green	11/20/02	Buddy D. Bynum	11/20/02
UTILITY DEVELOPMENT	DATE	CITY ENGINEER	DATE
			DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

2003002670
5785662
Page: 8 of 9
01/06/2003 03:05P
Bk-R48 Pg-2664
Mary Herrera Bern. Co. AGRE R 25.00

ALBUQUERQUE
Making History

City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

PLEASE NOTE: The Neighborhood Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter – you will need to get an updated letter from our office. It is your responsibility to provide current information – outdated information may result in a deferral of your case.

November 8, 2004

Stephanie Stratton
Bohannan ^ Huston
7500 Jefferson St NE
Albuququerque, NM 87109
Phone: 823-1000 Fax: 798-7988

Dear Stephanie

Thank you for your inquiry of **November 8, 2004** requesting the names of Recognized Neighborhood Associations who would be affected under the provisions of O-92 by your proposed project at **Tract A, Uptown Spectrum,** zone map **J-19-Z**

Our records indicate that the Recognized Neighborhood Association(s) affected by this proposal and the contact names are as follows:

SEE "ATTACHMENT A" FOR NEIGHBORHOOD INFORMATION.

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3914 or via an e-mail message at juliaking@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Julia King

Julia King
Senior Office Assistant
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

planningrnaform(10/27/04)

UPTOWN NEIGHBORHOOD ASSOCIATION LIST

(as of June 14, 2004)

Alvarado Park Neighborhood Association "R"

Gene Tatum
1916 Madeira NE/87110 255-1960 (h)

Dennis Miller
5706 Bellamah NE/87110 252-9774 (h)

Classic Uptown Neighborhood Association "R"

David Stafford
2812 San Pablo NE/87110 681-4082 (h)

Colin Hallaman
2701 Chama NE/87110 884-3873 (h)

East End Historical and Cultural Neighborhood Association "R"

Stephen Anderson
1010 Virginia St. NE/87110 256-2560 (h)

Vernice Spencer
1028 Vermont St. NE/87110 256-3886 (h)

Inez Neighborhood Association "R"

Evelyn B. Feltner
2014 Utah St. NE/87110 271-9027 (h)

Bette Weber
1927 Virginia St. NE/87110 292-1756 (h)

Jerry Cline Park Neighborhood Association "R"

Julie Jones
7625 Winter Ave. NE/87110 232-4638 (h)

Eric Shirley
900 Grove St. NE/87110 268-2595 (h)

Quigley Park Neighborhood Association "R"

Nancy Tecumseh
2704 Valencia NE/87110 889-3249 (h)

Winnie Schmidt
2916 Cuervo Dr. NE/87110 881-2155 (h)

New - David Yaung

Snow Heights Neighborhood Association "R"

Mary Tervithick
8031 Princess Jeanne NE/87110 296-0748 (h)

Joyce Mortimer
1702 Vermont NE/87110 298-0122 (h)

Winrock South Neighborhood Association "R"

Richard Peterson
1112 San Pedro NE #309/87110-6724 266-6070 (h)

Virginia Kinney
1112 San Pedro NE #309/87110-6724 255-0414 (message)

Uptown Progress Team, Inc. "R"

David Campbell
6100 Uptown Blvd. NE #500/87110 884-8444 (w)

Evelyn Carter
6501 Americas Parkway NE #1000/87110 881-5443 (w)

Zuni Neighborhood Association "R"

Mark Mathes
7413 Arvada Ave. NE/87110 888-1454 (h)

Susan McIntyre
7521 Leah Dr. NE/87110 881-0480 (h)

PLEASE NOTE: ALTHOUGH YOU ARE NOT "OFFICIALLY REQUIRED" BY THE O-92 ORDINANCE, the associations listed below are "Unrecognized" associations and don't need to be "officially" notified of the project, but as a common courtesy you are welcomed to let them know.

New Kimo Neighborhood Association

Valorie Vigil
2408 Madiera NE/87110 830-3590 (h)

Mark Trujillo
5507 Euclid NE/87110 875-0617 (h)

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Ms. Evelyn Carter
6501 Americas Parkway NE #1000
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Ms. Carter:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Uptown Progress Team, Inc.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Stephanie Stratton for

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter18r.doc

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Mr. David Campbell
6100 Uptown Blvd. NE #500
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Mr. Campbell:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Uptown Progress Team, Inc.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

for Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter17q.doc

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Ms. Virginia Kinney
1112 San Pedro NE #309
Albuquerque, New Mexico 87110-6724

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Ms. Kinney:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Winrock South Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

for Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter16p.doc

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Mr. Richard Peterson
1212 San Pedro NE #309
Albuquerque, New Mexico 87110-6724

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Mr. Peterson:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Winrock South Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

for Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter15O.doc

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Ms. Joyce Mortimer
1702 Vermont NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Ms. Mortimer:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Snow Heights Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

for Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter14n.doc

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Ms. Mary Tervithick
8031 Princess Jeanne NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Ms. Tervithick:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Snow Heights Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Stephanie Stratton

for James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter13m.doc

Bohannan Huston Inc.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Ms. Nancy Tecumseh
2704 Valencia NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Ms. Tecumseh:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Quigley Park Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

for Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter12L.doc

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Ms. Winnie Schmidt
2916 Cuervo Dr. NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Ms. Schmidt:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Quigley Park Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Stephanie Gratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter11k.doc

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 9, 2004

Mr. Eric Shirley
900 Grove St. NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Mr. Shirley:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Jerry Cline Park Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

for Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter10j.doc

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Ms. Susan McIntyre
7521 Leah Dr. NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Ms. McIntyre:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Zuni Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Stephanie Stratton

for James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter20L.doc

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Mr. Mark Mathes
7413 Arvada Ave. NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Mr. Mathes:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Zuni Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Stephanie Stratton

for James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter19s.doc

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Ms. Julie Jones
7625 Winter Ave. NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Ms. Jones:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Jerry Cline Park Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\02011\cdp\corres\Neighborhood approval letter9i.doc

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Ms. Bette Weber
1927 Virginia St. NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Ms. Weber:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Inez Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter8h.doc

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

Bohannan Huston Inc.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Ms. Evelyn B. Feltner
2014 Utah St. NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Ms. Feltner:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Inez Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter7g.doc

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Ms. Vernice Spencer
1028 Vermont St. NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Ms. Spencer:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the East End Historical and Cultural Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

for Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter6f.doc

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Mr. Stephen Anderson
1010 Virginia St. NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Mr. Anderson:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the East End Historical and Cultural Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

for Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter5e.doc

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Mr. Colin Hallaman
2701 Chama NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Mr. Hallaman:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Classic Uptown Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

for Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter4d.doc

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 9, 2004

Mr. David Stafford
2812 San Pablo NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Mr. Stafford:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Classic Uptown Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter3c.doc

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

Bohannan Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Mr. Dennis Miller
5706 Bellamah NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Mr. Miller:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Alvarado Park Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

Stephanie Stratton

for James Topmiller, P.E.
President
Community Development and Planning Group

SS
Enclosure

P:\020110\cdp\corres\Neighborhood approval letter2b.doc

ENGINEERING
SPATIAL DATA
ADVANCED TECHNOLOGIES

Bohannan ▲ Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

CERTIFIED MAIL/RETURN RECEIPT REQUESTED

November 11, 2004

Mr. Gene Tatum
1916 Madeira NE
Albuquerque, New Mexico 87110

RE: Extension of Subdivision Improvements Agreement
Tract A Uptown Spectrum

Dear Mr. Tatum:

We have been informed by the City of Albuquerque's Office of Neighborhood Coordination that you are a representative of the Alvarado Park Neighborhood Association.

This letter is to advise you that Bohannan Huston, Inc., agent for Hunt Uptown, LLC, is seeking approval of Extension of Subdivision Improvements Agreement for Tract A Uptown Spectrum from the City of Albuquerque's Development Review Board (DRB).

Enclosed for your review and information is a copy of the zone atlas page with the site highlighted that was submitted to the DRB. Please feel free to contact me if you have any questions regarding this matter or need information as to the date and time of the public hearing.

Sincerely,

for Stephanie Stratton

James Topmiller, P.E.
President
Community Development and Planning Group

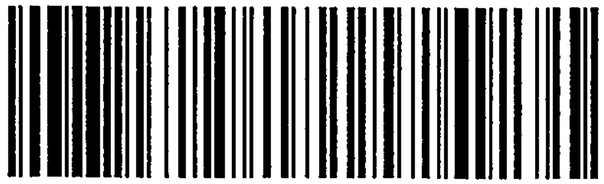
SS
Enclosure

P:\02011\0\cdp\corres\Neighborhood approval letter1a.doc

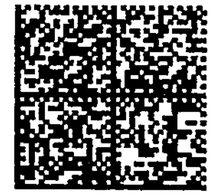
NAN-HUSTON, INC.
) JEFFERSON NE
JERQUE, NM 87109

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

CERTIFIED MAIL



91 7108 2133 3931 2005 8024



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mark Mathes
7413 Arvada Ave. NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☐ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3931 2005 8024

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

****

IAN[illegible]STON, INC.
[illegible] CN NE
[illegible]QUE, NM 87109

CERTIFIED MAIL

91 7108 2133 3931 2005 8017

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Susan McIntyre
7521 Leah Dr. NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 91 7108 2133 3931 2005 8017

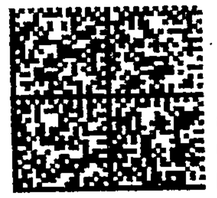
PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

****

L...STON, INC.
...FERSON NE
...QUE, NM 87109

CERTIFIED MAIL

91 7108 2133 3930 9914 8450



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Eric Shirley
900 Grove St. NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

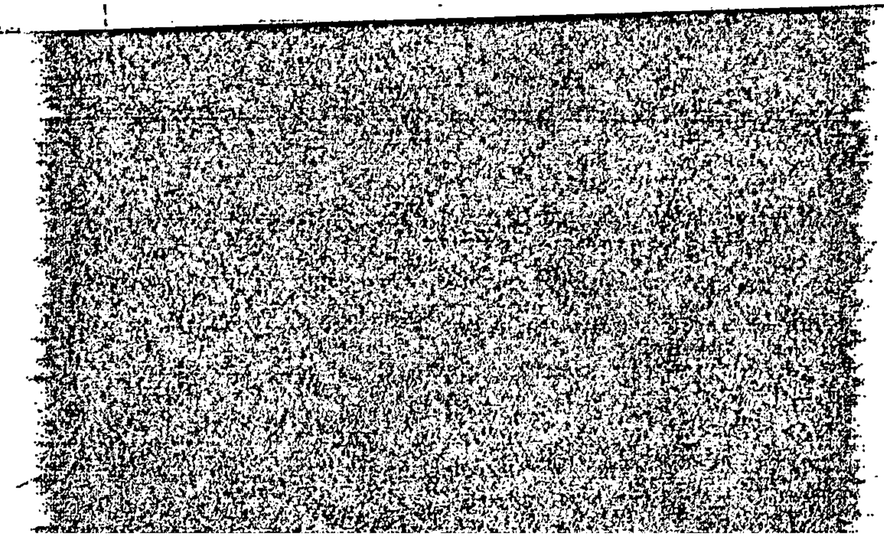
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 91 7108 2133 3930 9914 8450

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

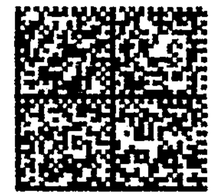


****

...UCTON, INC.
...ON NE
...QUE, NM 87109

CERTIFIED MAIL

91 7108 2133 3930 9914 8467



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Winnie Schmidt
2916 Cuervo Dr. NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

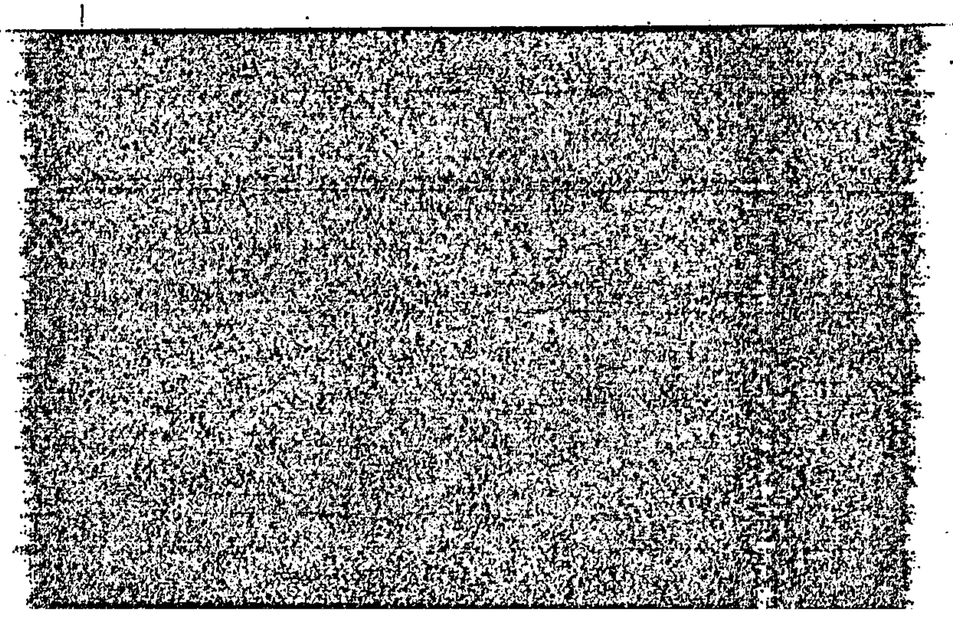
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8467

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

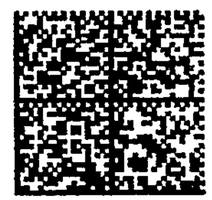


****

IAN WUSTON, INC.
JEFFERSON NE
ERQUE, NM 87109

CERTIFIED MAIL

91 7108 2133 3930 9914 8474



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Nancy Tecumseh
2704 Valencia NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

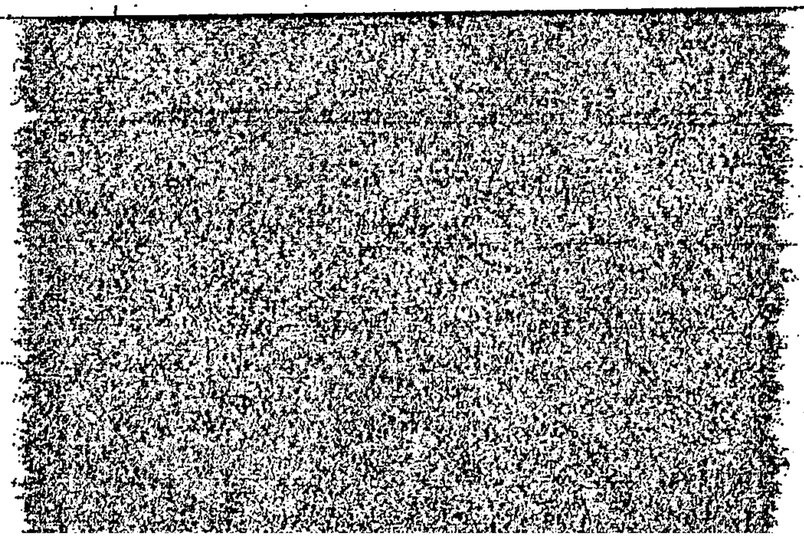
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8474

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

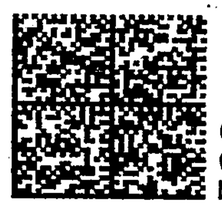


****

N.[illegible]STON, INC.
[illegible]EFFERSON NE
[illegible]QUE, NM 87109

CERTIFIED MAIL

91 7108 2133 3930 9914 8481



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mary Tervithivk
8031 Princess Jeanne NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

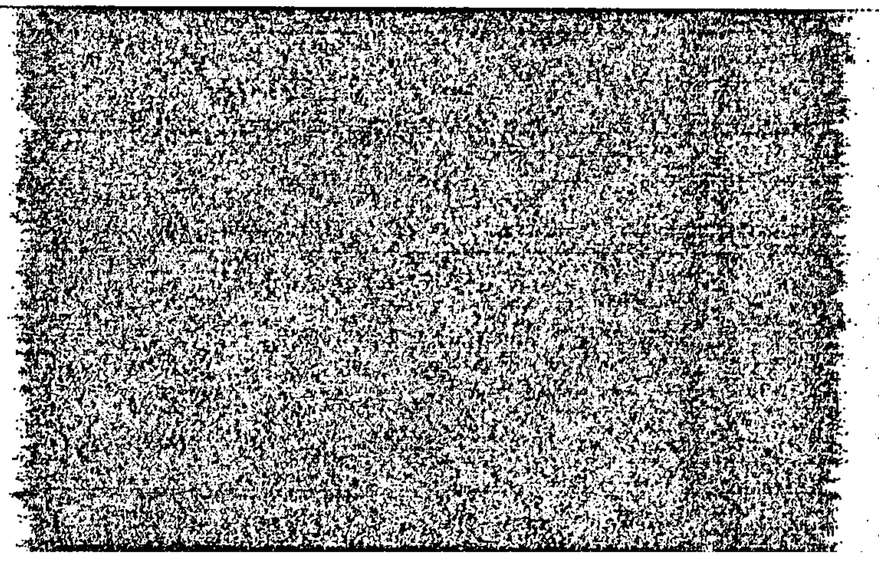
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

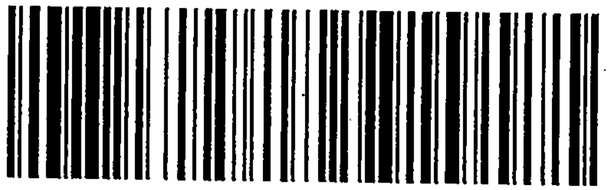
2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8481

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

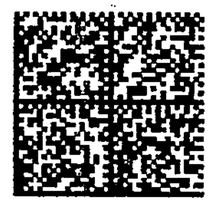


N-HUSTON, INC.
EFFERSON NE
QUE, NM 87109

CERTIFIED MAIL



91 7108 2133 3930 9914 8443



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Joyce Mortimer
1702 Vermont NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

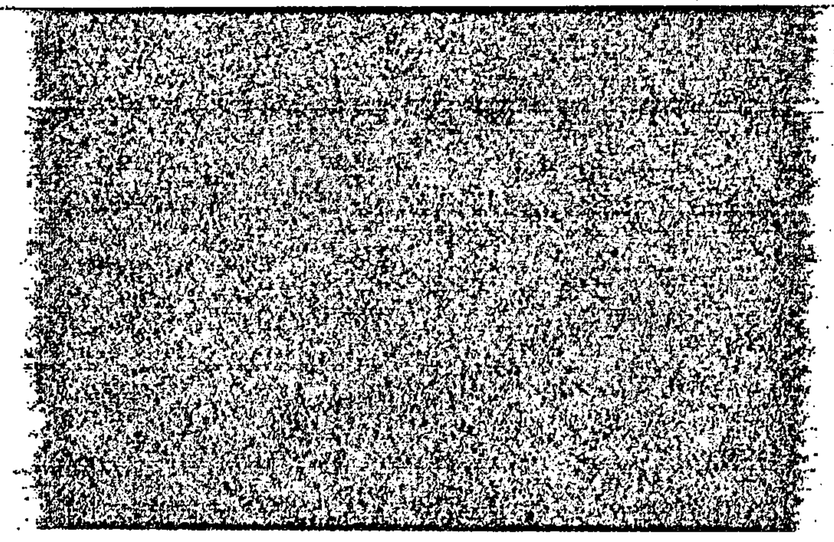
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8443

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

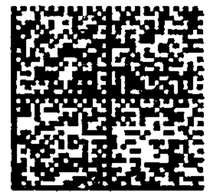


****

ANUFACTON, INC.
JEFFERSON NE
ALBUQ, NM 87109

CERTIFIED MAIL

91 7108 2133 3930 9914 8436



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Peterson
1112 San Pedro NE #309
Albuquerque, NM 87110-6724

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

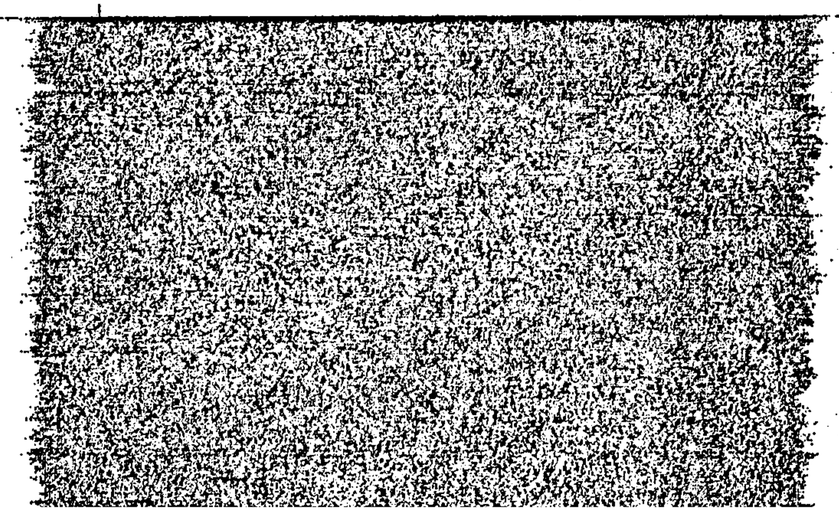
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

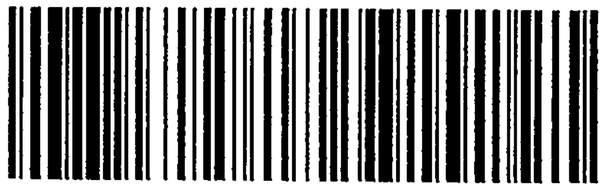
2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8436

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

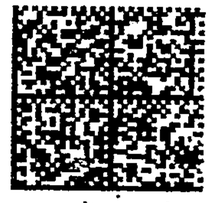


****

IAN-HUSTON, INC.
JEFFERSON NE
ERQUE, NM 87109



91 7108 2133 3930 9914 8429



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2002
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Virginia Kinney
1112 San Pedro NE #309
Albuquerque, NM 87110-6724

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8429

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

****

AN-[illegible]JSTON, INC.
JEFFERSON NE
[illegible]RQUE, NM 87109

91 7108 2133 3930 9914 8412

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Evelyn Carter
6501 Americas Parkway NE #1000
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8412

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

****

AN-HUSTON, INC.
JEFFERSON NE
ERQUE, NM 87109

CERTIFIED MAIL

91 7108 2133 3930 9914 8405

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David Campbell
6100 Uptown Blvd. NE #500
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

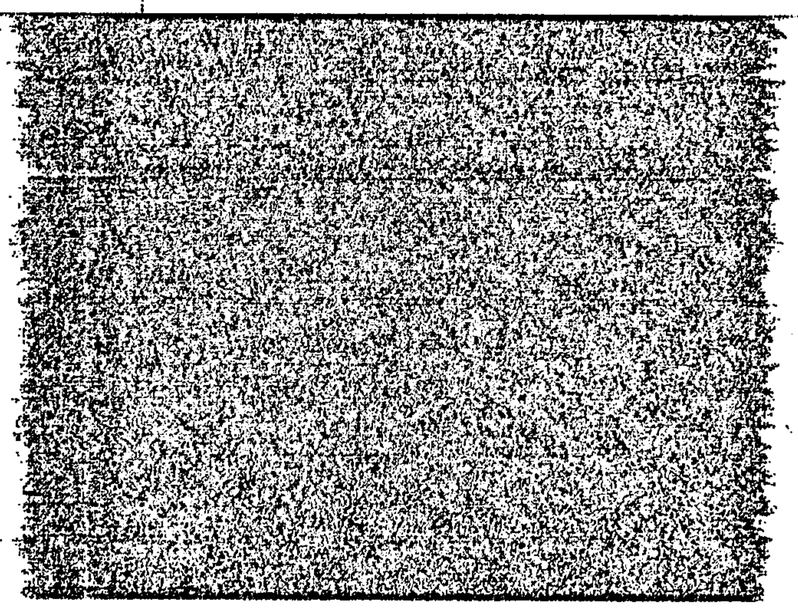
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8405

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

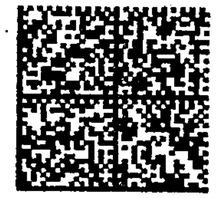


****

INC.
00 JEFFERSON NE
QUERQUE, NM 87109

CERTIFIED MAIL

91 7108 2133 3930 9914 8399



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Julie Jones
7625 Winter Ave. NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

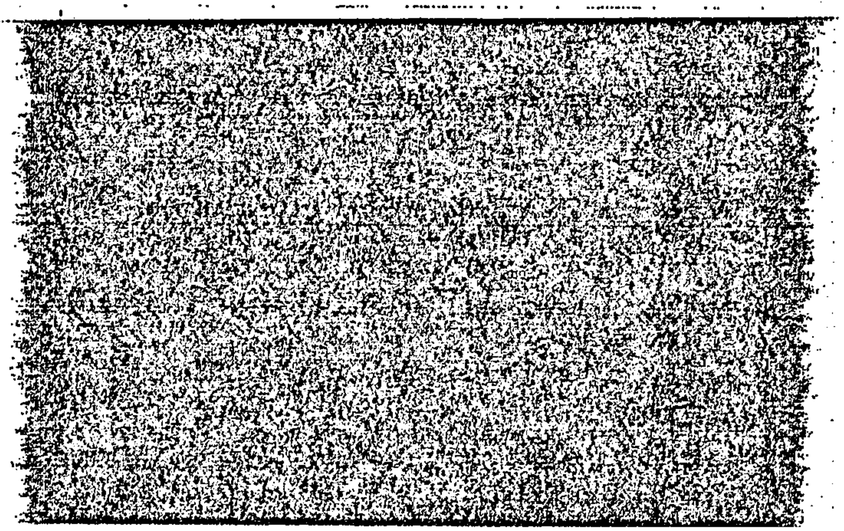
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8399

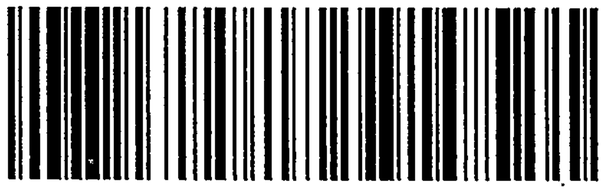
PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540



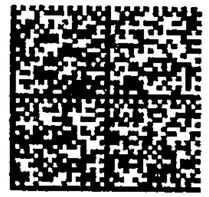
****

IAN-HUSTON, INC.
JEFFERSON NE
ERQUE, NM 87109

CERTIFIED MAIL



91 7108 2133 3930 9914 8382



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Bette Weber
1927 Virginia St. NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)*

C. Date of Delivery

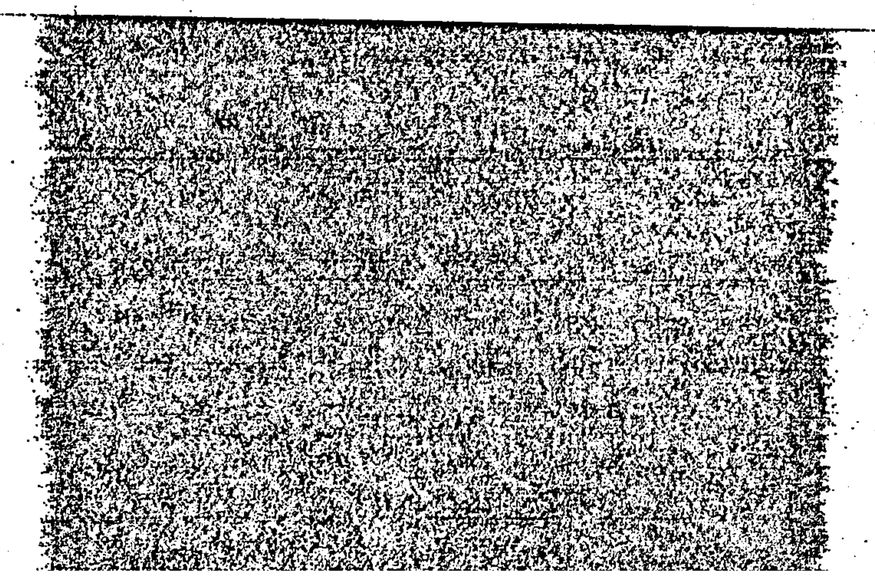
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8382

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

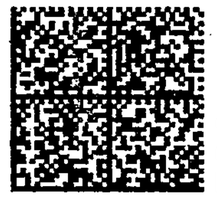


****

...LUTION, INC.
...JEFFERSON NE
...RQUE, NM 87109

CERTIFIED MAIL

91 7108 2133 3930 9914 8375



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Evelyn B. Feltner
2014 Utah St. NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

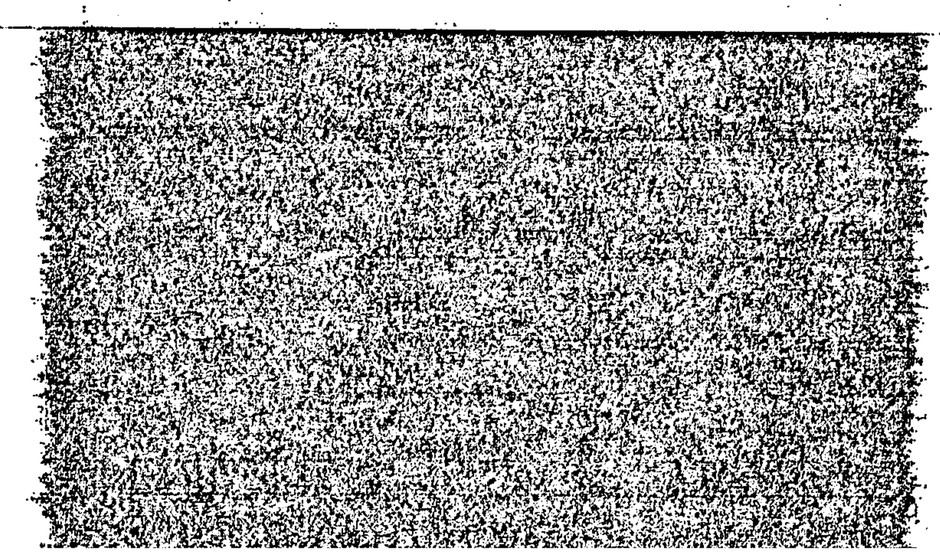
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number *(Transfer from service label)* 91 7108 2133 3930 9914 8375

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540



****

AN-HUSTON, INC.
IEFFERSON NE
QUE, NM 87109

CERTIFIED MAIL

91 7108 2133 3930 9914 8368

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Vernice Spencer
1028 Vermont St. NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

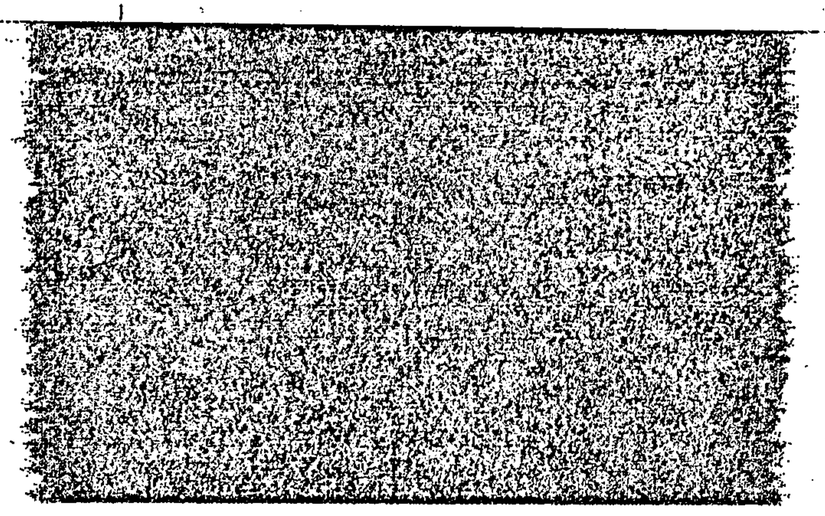
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8368

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

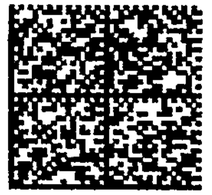


****

JMAN HUSTON, INC.
20 JEFFERSON NE
QUERQUE, NM 87109

CERTIFIED MAIL

91 7108 2133 3930 9914 8351



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV. 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Stephen Anderson
1010 Virginia St. NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

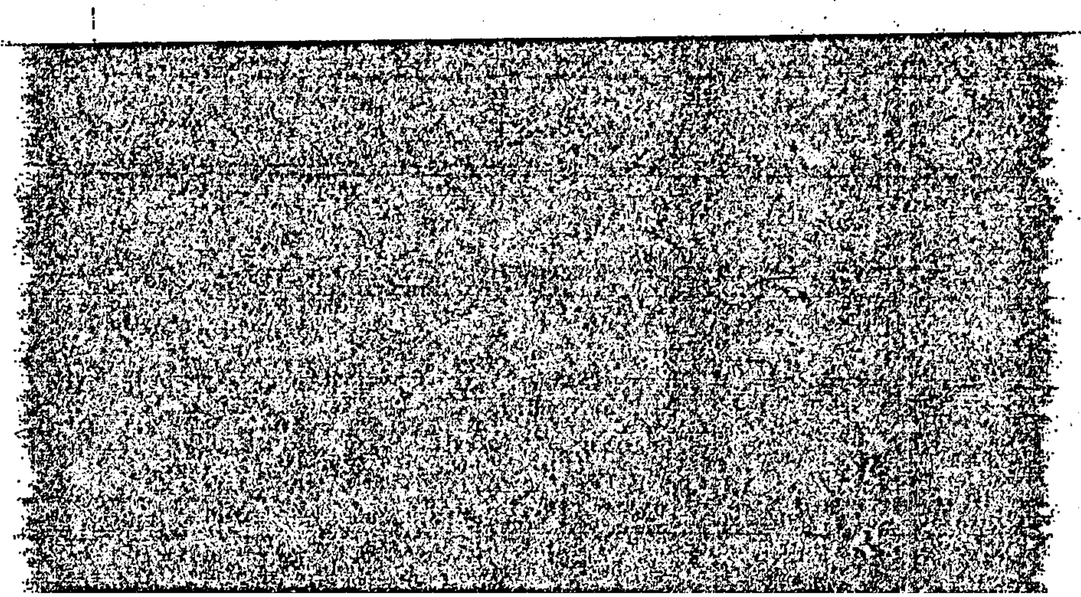
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8351

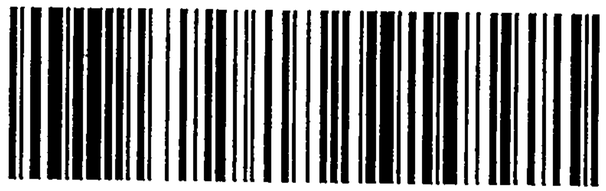
PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540



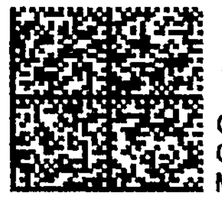
****

IAN LUISTON, INC.
[illegible] N NE
[illegible], NM 87109

CERTIFIED MAIL



91 7108 2133 3930 9914 8344



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to;

Colin Hallaman
2701 Chama NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

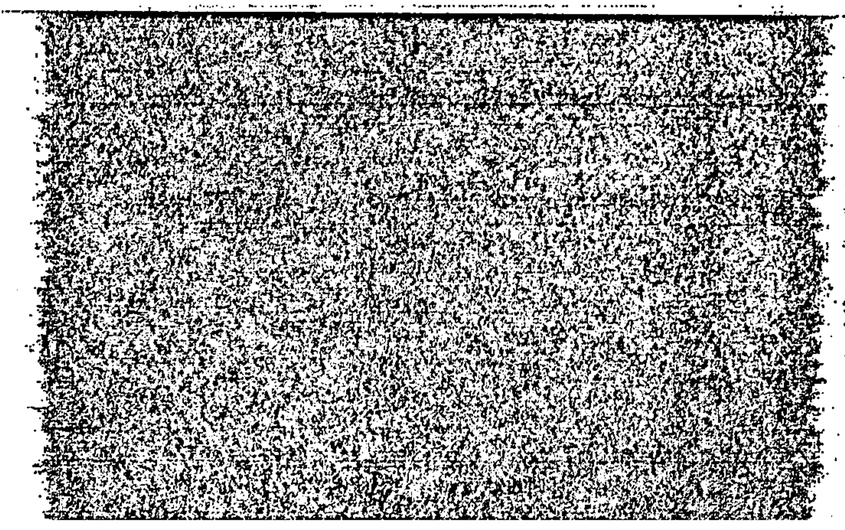
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

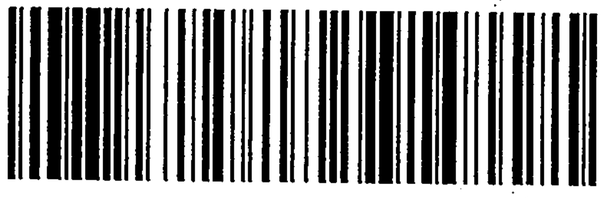
2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8344

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

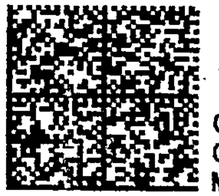


ANNAN HUSTON, INC.
[illegible] ON NE
JQUERQUE, NM 87109

CERTIFIED MAIL



91 7108 2133 3930 9914 8337



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David Stafford
2812 San Pablo NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

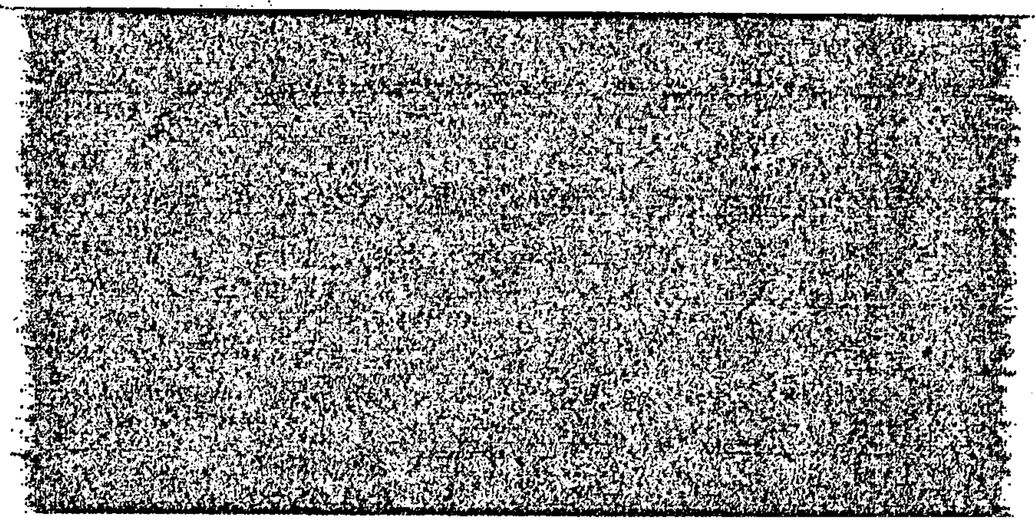
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8337

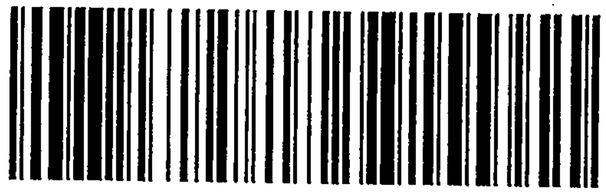
PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540



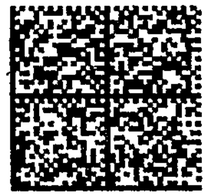
****

AM. HUSTON, INC.
JEFFERSON NE
RQUE, NM 87109

CERTIFIED MAIL



91 7108 2133 3930 9914 8498



UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Dennis Miller
5706 Bellamah NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X ☐ Agent ☐ Addressee

B. Received by *(Printed Name)* | C. Date of Delivery

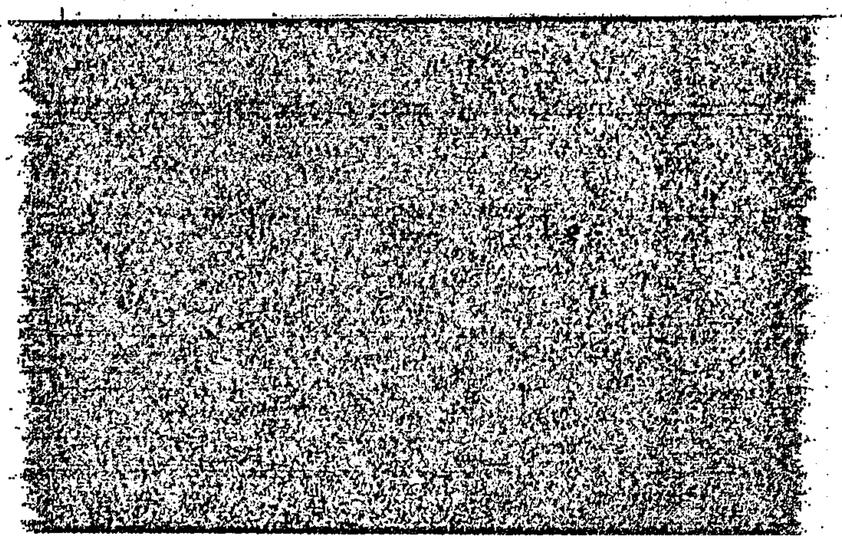
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? *(Extra Fee)* ☐ Yes

2. Article Number
(Transfer from service label) 91 7108 2133 3930 9914 8498

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540



****

INAN-HUSTON, INC.
[illegible] NE
[illegible], NM 87109

91 7108 2133 3930 9914 8504

UNITED STATES POSTAGE
PITNEY BOWES
02 1P $ 004.65⁰
0002538536 NOV 12 2004
MAILED FROM ZIP CODE 87109

SENDER: *COMPLETE THIS SECTION*

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gene Tatum
1916 Madeira NE
Albuquerque, NM 87110

COMPLETE THIS SECTION ON DELIVERY

A. Signature
X
☐ Agent
☐ Addressee

B. Received by (*Printed Name*)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (*Extra Fee*) ☐ Yes

2. Article Number
(*Transfer from service label*) 91 7108 2133 3930 9914 8504

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540

****

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME Hunt Uptown II, LLC

AGENT Bohannan Huston

ADDRESS 7500 Jefferson NE

PROJECT & APP # 1002337/04DRB01758

PROJECT NAME _____

$ 20.00 **441032/3424000 Conflict Management Fee**

$ 50.00 **441006/4983000 DRB Actions**

$ _____ **441006/4971000 EPC/AA/LUCC Actions & All Appeals**

$ 75.00 **441018/4971000 Public Notification**

$ _____ **441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY*****
( )Major/Minor Subdivision ( )Site Development Plan ( )Bldg Permit
( ) Letter of Map Revision ( )Conditional Letter of Map Revision
( ) Traffic Impact Study

$ 145.00 **TOTAL AMOUNT DUE**

****NOTE:** If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.*

Bohannan Huston INC.

COURTYARD I, 7500 JEFFERSON STREET NE
ALBUQUERQUE, NM 87109-4335
505.823.1000

CITY OF ALBUQUERQUE
CITY TREASURY DIVISION
RECEIVED $ 145.00 DATE 11/12/04
EC96

BANK OF AMERICA
ALBUQUERQUE, NEW MEXICO
95-32 / 1070

132426

11/11/2004

NO. 132426

PAY **********145 DOLLARS & **********00 CENTS $ **********145.00

BOHANNAN-HUSTON INC.

TO THE ORDER OF
CITY OF ALBUQUERQUE
PO Box 1313
Albuquerque, NM 87103-1313 US

AUTHORIZED SIGNATURE

AUTHORIZED SIGNATURE

⑈132426⑈ ⑆107000327⑆ 00286539940⑈

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of $3.50 each.

1. LOCATION

   A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
   B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
   C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

   A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
   B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

   A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
   B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from 11-23-04 To 12-8-04

5. REMOVAL

   A. The sign is not to be removed before the initial hearing on the request.
   B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Stephanie Stratton — (Applicant or Agent) 11-12-04 — (Date)

I issued 3 signs for this application, 11-12-04 (Date), [signature] (Staff Member)

DRB PROJECT NUMBER: 1002337

Rev. 5/9/03

City of Albuquerque

DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION **S**

____ Major Subdivision action
X Minor Subdivision action
____ Vacation **V**
____ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN **P**

____ ...for Subdivision Purposes
____ ...for Building Permit
____ IP Master Development Plan
____ Cert. of Appropriateness (LUCC) **L**

Supplemental form

ZONING & PLANNING **Z**

____ Annexation
____ County Submittal
____ EPC Submittal
____ Zone Map Amendment (Establish or Change Zoning)
____ Sector Plan (Phase I, II, III)
____ Amendment to Sector, Area, Facility or Comprehensive Plan
____ Text Amendment (Zoning Code/Sub Regs)

APPEAL / PROTEST of... **A**

____ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Hunt Uptown II, LLC. PHONE: 915-533-1122
ADDRESS: 500 Marquette NE Suite 350 FAX: 915-298-4381
CITY: Albuquerque STATE NM ZIP 87102 E-MAIL:
Proprietary interest in site: OWNER **List all owners:** NA
AGENT (if any): Bohannan Huston, INC. PHONE: 823-1000
ADDRESS: 7500 Jefferson NE FAX: 798-7988
CITY: Albuquerque STATE NM ZIP 87109 E-MAIL:
DESCRIPTION OF REQUEST: Preliminary / Final plat approval

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ___ Yes. X No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tracts A & B Block: Unit:
Subdiv. / Addn. Hunt - Spectrum Development Site
Current Zoning: SU-3 Proposed zoning:
Zone Atlas page(s): J-19 No. of **existing** lots: 2 / 1 No. of **proposed** lots: 2
Total area of site (acres): 11.7540 Density if applicable: dwellings per gross acre: dwellings per net acre:
Within city limits? X Yes. No___, but site is within 5 miles of the city limits.) Within 1000FT of a landfill? NO
UPC No. 101905804849720414 MRGCD Map No.
LOCATION OF PROPERTY BY STREETS: On or Near: Indian School Rd. NE
Between: Louisiana Blvd. NE and 1.40, NE

CASE HISTORY:

List **any** current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.):
DRB# 1002202 - 1002337 / 02DRB-01708
Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☐. Date of review:

SIGNATURE DATE 7/13/04
(Print) James Topmiller ___ Applicant X Agent

FOR OFFICIAL USE ONLY Form revised 9/01, 3/03, 7/03, 10/03, 3/04

☑ ~~INTERNAL ROUTING~~
☑ All checklists are complete
☑ All fees have been collected
☑ All case #s are assigned
☑ AGIS copy has been sent
☑ Case history #s are listed
☑ N/A Site is within 1000ft of a landfill
☐ ~~F.H.D.P.~~ density bonus
☐ ~~F.H.D.P.~~ fee rebate

Application case numbers	Action	S.F.	Fees
04DRB - - 01089	P&F	S(3)	$ 285
- -	CONFL. MGMT. FEE		$ 20.00
- -			$
- -			$
- -			$
			Total $ 305.00

Hearing date JULY 21st 04

Planner signature / date

Project # 1002337

FORM S(3): SUBDIVISION - D.R.B. MEETING (UNADVERTISED) OR INTERNAL ROUTING

☐ **SKETCH PLAT REVIEW AND COMMENT** **YOUR ATTENDANCE IS REQUIRED.**

__ Scale drawing of the proposed subdivision plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings. Sketches are not reviewed through internal routing.
__ Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6** copies.
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Any original and/or related file numbers are listed on the cover application

☐ **MAJOR SUBDIVISION EXTENSION OF PRELIMINARY PLAT** **Your attendance is required.**

__ Preliminary Plat reduced to 8.5" x 11"
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Copy of previous D.R.B. approved infrastructure list
__ Copy of the LATEST Official D.R.B. Notice of approval for Preliminary Plat Extension request
__ Any original and/or related file numbers are listed on the cover application
Extensions are not reviewed through internal routing.
Extension of preliminary plat approval expires after one year.

☐ **MAJOR SUBDIVISION FINAL PLAT APPROVAL** **Your attendance is required.**

__ Proposed Final Plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, **4** copies for internal routing.
__ Design elevations & cross sections of perimeter walls
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
__ Property owner's and City Surveyor's signatures on the Mylar drawing
__ SIA financial guaranty verification
__ Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
__ Any original and/or related file numbers are listed on the cover application
__ **DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.**

☒ **MINOR SUBDIVISION PRELIMINARY / FINAL PLAT APPROVAL** **Your attendance is required.**

✓ Proposed Preliminary / Final Plat (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings, **4** copies for internal routing.
VACANT Site sketch with measurements showing structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etcetera, if there is any existing land use (folded to fit into an 8.5" by 14" pocket) **6** copies.
✓ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
✓ Letter briefly describing, explaining, and justifying the request
✓ Original Mylar drawing of the proposed plat for internal routing only. Otherwise, bring Mylar to meeting.
✓ Property owner's and City Surveyor's signatures on the Mylar drawing
✓ Landfill disclosure and EHD signature line on the Mylar drawing if property is within a landfill buffer
✓ Fee (see schedule) 305
__ Any original and/or related file numbers are listed on the cover application
__ Infrastructure list if required **(verify with DRB Engineer)** **NO INTERNAL ROUTING**
DXF FILE AND HARD COPY OF FINAL PLAT DATA FOR AGIS IS REQUIRED.

☐ **AMENDMENT TO PRELIMINARY PLAT (with minor changes)** **Your attendance is required.**
☐ **AMENDMENT TO INFRASTRUCTURE LIST (with minor changes)**
☐ **AMENDMENT TO GRADING PLAN (with minor changes)**

PLEASE NOTE: There are no clear distinctions between significant and minor changes with regard to subdivision amendments. Significant changes are those deemed by the DRB to require public notice and public hearing.

__ Proposed Amended Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings.
__ Original Preliminary Plat, Infrastructure List, and/or Grading Plan (folded to fit into an 8.5" by 14" pocket) **6** copies for unadvertised meetings
__ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
__ Letter briefly describing, explaining, and justifying the request
__ Original Mylar drawing of the proposed amended plat for internal routing only. Otherwise, bring Mylar to meeting.
__ Property owner's and City Surveyor's signatures on the Mylar drawing, if the plat is being amended
__ Any original and/or related file numbers are listed on the cover application
Amended preliminary plat approval expires after one year.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

James Trapmiller
Applicant name (print)

Applicant signature / date 7/13/04

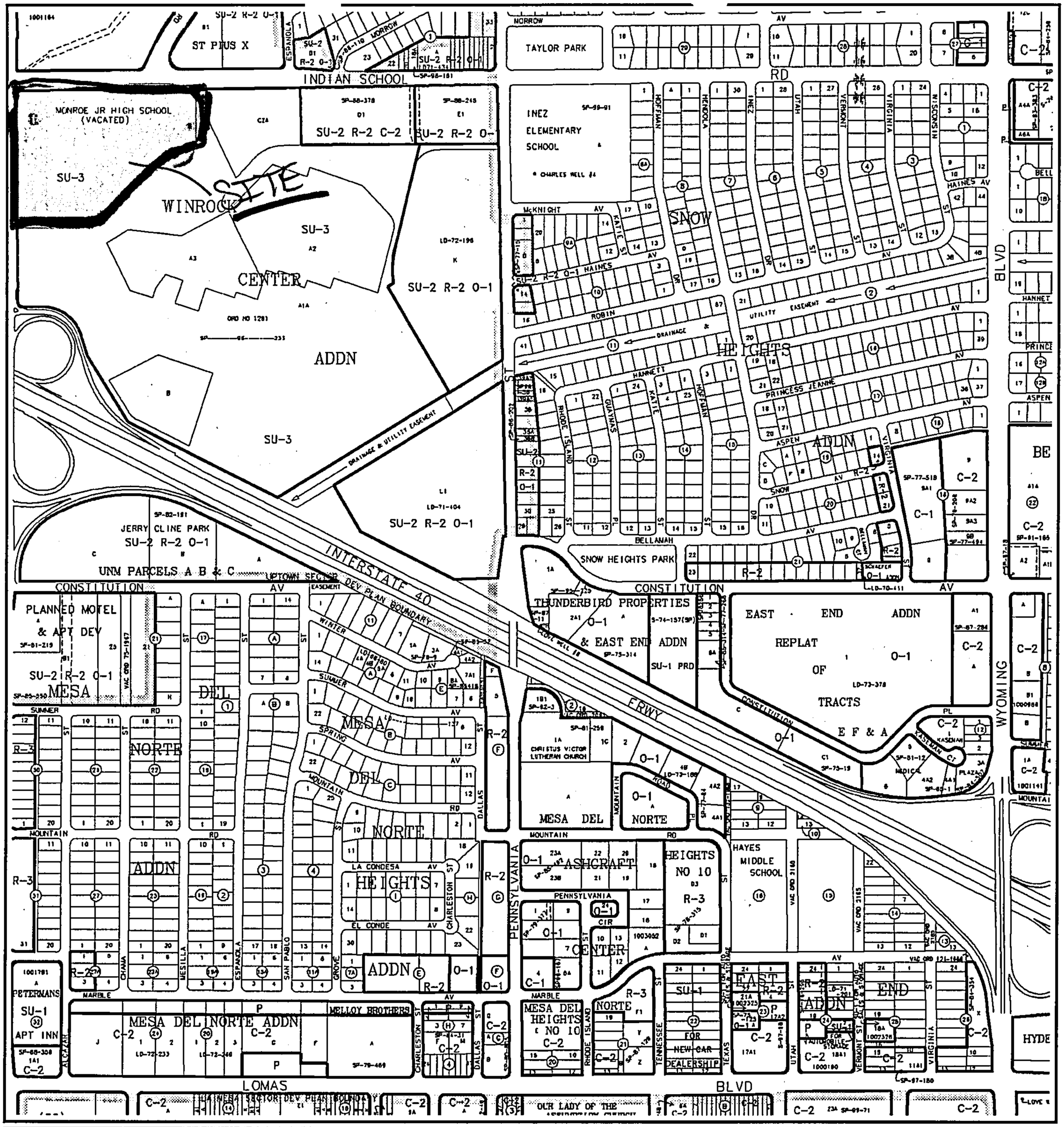
Form revised 3/03, 8/03 and **11/03**

☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☐ Related #s listed

Application case numbers
04DRB - ____ - 01089
____ - ____ - ____
____ - ____ - ____

Planner signature / date 7/13/04

Project # 1002337



Albuquerque Geographic Information System
PLANNING DEPARTMENT
© Copyright 2004

GRAPHIC SCALE IN FEET

250 0 750 1000

Zone Atlas Page

J-19-Z

Map Amended through July 06, 2004

Bohannan ▲ Huston INC.

Courtyard I
7500 Jefferson St. NE
Albuquerque, NM
87109-4335

www.bhinc.com

voice: 505.823.1000
facsimile: 505.798.7988
toll free: 800.877.5332

July 13, 2004

Sheran Matson, Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque, New Mexico 87103

Re: Preliminary/Final Plat Approval
Tracts A & B Hunt-Spectrum Development Site
(Southeast Corner of Indian School and Louisiana)

Dear Sheran:

Enclosed for review and approval by the Development Review Board (DRB) are copies of the following information:

- Development Review Applications
- Fee on the amount of $ 305.00
- Six (6) copies of the Preliminary/Final Plat, and
- Zone Atlas Map showing the location of the property

The purpose of this plat is to subdivide a portion of the existing Tract A, Monroe Junior High School tract (the Uptown Spectrum Site, DRB No.1002337, 02DRB01708) to dedicate the public street right-of-way (the southeast leg of the Uptown Loop Road) to the City of Albuquerque, and in the process, two tracts are created on either side of the ROW. The proposed road dedication complies with the site plan approved by DRB.

Please place this item on the DRB Agenda to be heard on July 21, 2004. If you have any questions or require additional information, please contact me.

Sincerely,

James Topmiller, P.E.
Senior Vice President
Community Development and Planning Group

ss
Enclosure

P:\020110\cdp\corres\prefinal.plat1.doc

ONE STOP SHOP
CITY OF ALBUQUERQUE PLANNING DEPARTMENT
Development & Building Services

PAID RECEIPT

APPLICANT NAME HUNT UPTOWN II, LLC

AGENT Bohannan Huston, Inc.

ADDRESS 7500 Jefferson St. NE. 87102

PROJECT & APP # 1002337 / 04DRB-01089

PROJECT NAME HUNT SPECTRUM

$ 20 **441032/3424000 Conflict Management Fee**

$ 285 **441006/4983000 DRB Actions**

$ _____ **441006/4971000 EPC/AA/LUCC Actions & All Appeals**

$ _____ **441018/4971000 Public Notification**

$ _____ **441006/4983000 DRAINAGE PLAN REVIEW OR TRAFFIC IMPACT STUDY*****
( )Major/Minor Subdivision ( )Site Development Plan ( )Bldg Permit
( ) Letter of Map Revision ( )Conditional Letter of Map Revision
( ) Traffic Impact Study

$ 305.00 **TOTAL AMOUNT DUE**

****NOTE: If a subsequent submittal is required, bring a copy of this paid receipt with you to avoid an additional charge.**

Bohannan Huston INC.
COURTYARD I, 7500 JEFFERSON STREET NE
ALBUQUERQUE, NM 87109-4335
505.823.1000

BANK OF AMERICA
ALBUQUERQUE, NEW MEXICO
95-32 / 1070

131154

7/12/2004 NO. 131154

DUPLICATE
PAY City Of Albuquerque
Treasury Division
******************************305** DOLLARS & ************00** CENTS

DUPLICATE
City Of Albuquerque
Tr$ *******************305.00**

7/13/2004 10:04AM LOC: ANNX
HE CITY OF ALBUQUERQUE 006 TRANS# 0012
ER PO Box 1313 006 Fund 0110
Albuquerque, NM 87103-1313 US TRSEJA
TransAmt $305.00
$305.00

7/13/2004 BOHANNAN-HUSTON INC. LOC: ANNX
RECEIPT# 00025881 WS# 006 TRANS# 0012
Account 441006 Fund 0110
AUTHORIZED SIGNATURE $305.00
AUTHORIZED SIGNATURE

CK "131154" :107000327: 00286539940 4"
CHANGE $0.00

Thank You

MYL[illegible]ER & [illegible]ICE, P.C.
LAWYERS
1401 CENTRAL AVENUE, N.W.
ALBUQUERQUE, NEW MEXICO 87104

JOHN A. MYERS
SCOTT OLIVER*
CHARLES P. PRICE III
KEVIN J. McCREADY
HOPE MEAD WYNN

*ALSO LICENSED IN TEXAS

TELEPHONE
(505)247-9080

FACSIMILE
(505)247-9109

Sheyan

e-mail: jmyers@moplaw.com

January 9, 2003

RECEIVED
DEC 0 9 2003
PWD/DESIGN REVIEW

Alan Schwartz, Chairman
Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd Street NW, 2nd Floor
Albuquerque, New Mexico 87102

Re: Appeal of DRB Decision Dated November 20, 2002/Project No. 1002337/02 DRB-01710 Site Development Plan for Subdivision/02 DRB-01708 Site Development Plan for Building Permit

Dear Chairman and Commissioners:

This office represents Hunt Uptown II, L.L.C. ("Hunt") with respect to its applications for final sign-off by the City's Development Review Board ("DRB") of the Site Development Plan for Subdivision ("Subdivision Site Plan") and Site Development Plan for Building Permit ("Building Permit Site Plan") for the Monroe Junior High Site, also referred to as the Spectrum II Plan (the "Monroe Site").

On December 3, 2002 PruWinrock, L.L.C. ("PruWinrock") filed an appeal through its agents, Rodey, Dickason, Sloan, Akin & Robb, P.A. (the "Rodey Firm") of actions taken by the DRB on final sign-off of the Subdivision Site Plan and the Building Permit Site Plan (the "Current Appeal").

Factual Background

On October 15, 1998, the EPC voted to recommend approval to the City Council certain amendments (the "Sector Plan Amendments") to the Uptown Sector Development Plan (the "Uptown Plan"), approved the Subdivision Site Plan for the Monroe Site with conditions and approved the Site Plan for Building Permit for the Monroe Site with twenty-one (21) conditions. The Building Permit Site Plan was dependent upon the Sector Plan Amendments. The applicant for these actions was the then contract purchasers from the Albuquerque Public Schools ("APS") of the Monroe Site (the "Tesch Group").

The Sector Plan Amendments required enactment by the City Council. The Subdivision Site Plan and Building Permit Site Plan approvals were appealed to the City Council. In February 1999, the City Council adopted the Sector Plan Amendments, and denied the appeal of the Subdivision Site Plan and the Building Permit Site Plan approvals.

The Sector Plan Amendments were appealed to the New Mexico District Court by the Prudential Insurance Company of America ("Prudential"). Prudential filed the appeal as the owner of Winrock Center. Prudential is the predecessor to PruWinrock, the appellant in the Current Appeal. Prudential was represented in these appeals by the Rodey Firm. The Subdivision Site Plan and the Building Permit Site Plan approvals were appealed to the New Mexico District Court by a group of neighborhood associations. The cases were consolidated upon appeal.

Final appellate court action was taken on Winrock's appeal of the Sector Plan Amendments when the New Mexico Court of Appeals issued its Mandate on March 14, 2001. The Mandate transmitted to the District Court the Court of Appeal's order denying Winrock's petition for further appeal. The Site Plan Approval Appeal was resolved on January 8, 2001 when the appeal was voluntarily dismissed by the appellants. Therefore, these appeals left unresolved the status of the Monroe Site Plans for almost two and one-half (2½) years. Copies of these decisions and orders are enclosed.

Subsequent to the original approvals for the Monroe Site, the Tesch Group's contract to purchase the Monroe Site terminated. In April, 2002, Hunt purchased the Monroe Site and began the process of evaluating the alternatives for development of the Monroe Site. After consideration of an alternative plan for the Monroe Site, Hunt elected to perfect the approval of the Subdivision Site Plan and Building Permit Site Plan for the Monroe Site as reviewed by the EPC, making application to the DRB in early November 2002.

On November 20, 2002, the DRB considered the Subdivision Site Plan and the Building Permit Site Plan for final sign-off. Two members of the DRB, the Parks representative and the Utilities representative, signed-off on the site plans with final sign-off delegated to the City Engineer, the Transportation Development Department, and the Planning Department. Final sign-off was not given at the November 20, 2002 hearing, as there were additional matters to be resolved to the satisfaction of the other DRB representatives.

Subsequent to the November 20, 2002 hearing, all outstanding conditions imposed by the EPC have been satisfied. On January 7, 2003 final sign-off was received on these Site Plans. Conditions which were satisfied subsequent to the November 20, 2002 DRB hearing included: (i) verification of compliance with Conditions No. 15 and No. 21 which were referred to the EPC Site Plan Review Committee, but approved by the full EPC on December 5, 2002, and (ii) Hunt entering into a subdivision improvement agreement with the City whereby Hunt obligated itself to construct certain infrastructure and Hunt posted a financial guarantee of approximately $700,000.00 securing its obligations.

I. THE APPEAL WAS PREMATURE

PruWinrock filed its appeal to the EPC on December 3, 2002, prior to the DRB completing the task from which the appeal was taken. The final sign-off occurred on January 7, 2003. Such a premature appeal is contrary to law, and to have considered such an appeal would have led to untenable results.

The actions before City boards are administrative proceedings. The law in New Mexico, as well as the general law across the country, is that an administrative decision is not subject to review until the decision is final, that is the "administrative order must have nothing further for the agency to do." 2 Am. Jur. 2nd Administrative Law §381, Pg. 382. The same principle applies to court review of administrative actions. The court in Mills v. New Mexico State Board of Psychologist Examiners, 123 NM 421, held that courts may not review actions of administrative actions until those actions are final. This same self-evident principle applies to appeals in the New Mexico courts which have a "final judgment" rule which provides that generally appeals may not be taken until a final judgment has been entered by the lower court.

Now that the DRB has completed its work, PruWinrock's appeal is "ripe" for consideration by the EPC. However, the appealable issues, if any, are very narrow.

II. THE APPEALABLE ISSUES ARE LIMITED

When the Site Plans were approved by the EPC, Winrock was afforded the opportunity to be heard on its concerns regarding the Site Plans. PruWinrock's representatives were present and were heard, and Winrock exhausted its administrative and court appeals on their grievances with the Site Plans. The DRB sign-off of the Site Plans is to certify to a site plan as presented to the EPC which incorporates all conditions imposed by the EPC. In this action the DRB is not vested with the right to modify the Site Plans as approved by the EPC. Therefore, the Site Plans as signed off are exactly as approved and conditioned by the EPC. Winrock had the opportunity and has exercised its right to appeal the EPC's decision; Winrock is not entitled to "another bite at the apple".

Therefore, if the DRB sign-off is appealable at all, the appeal must be limited to the issue of whether the Site Plans as signed-off by the DRB are as approved by the EPC.

III. THE SUBDIVISION SITE PLAN AND BUILDING PERMIT SITE PLAN APPROVALS HAVE NOT LAPSED

Winrock asserts that the Subdivision Site Plan and Building Permit Site Plan approvals for the Monroe Site have lapsed pursuant to Section 3H(11) of the Uptown Plan which provides, in part, as follows:

The portions of Site Development Plans showing structures that have not obtained building permits within two (2) years of Site Plan Approval shall be void…

In the Spring of this year, prior to pursuing final approval of the Subdivision Site Plan and Building Permit Site Plan, Hunt, through its agents, sought confirmation from the City Planning Department that these approvals had not somehow lapsed. Hunt received confirmation from the Planning Director that "the City does not require that a Site Plan for building permit approved by the Planning Commission be brought before the DRB on any given schedule". A copy of the Planning Director's letter is attached. We assume that the basis for the Planning Director's statement was that the two (2) year "clock" does not start to run until final approval of the Site Plans by the DRB. This is a reasonable construction, as prior to DRB sign-off, the Site Plan has no legal effect, there is no "approval" and no building permits can be issued.

Moreover, construing the two (2) year clock to start running at EPC approval (versus DRB sign-off) would result in a substantial likelihood that site plan approvals would lapse prior to completion of development. Under the best of circumstances, for complex mixed use projects, the DRB approval process takes a substantial period of time following EPC approval. Following an EPC decision on a site plan, the applicant must comply with all conditions imposed by the EPC. With the Monroe Site, the Building Permit Site Plan had twenty-one (21) conditions, many of which had sub-conditions. These conditions include the obligation to construct about $700,000.00 in infrastructure. Satisfying these conditions takes time. Therefore, starting the two (2) year period running at EPC approval would substantially reduce the likelihood that a project would be built out within this time frame.

In the alternative, should the City determine that the two year clock starts running upon EPC approval, law and equity mandate that the two (2) year period begins to run only after all appeals have been resolved. In this case, PruWinrock urges the City to declare the Site Plan Approvals to have lapsed when PruWinrock's predecessor, through PruWinrock's attorneys, kept the EPC approvals under appeal in the courts for over two (2) years, including various rejected procedural maneuvers that substantially prolonged the appeal process. Winrock's appeals were defeated, however now PruWinrock asserts that it has *de facto* prevailed in its appeals simply by keeping the appeal process alive for over two (2) years. This is an outrageous assertion.

IV. HUNT HAS PROPERLY SATISFIED BUILDING PERMIT SITE PLAN APPROVAL CONDITION NO. 21

Condition No. 21 to the Building Permit Site Plan approval provides as follows:

Each housing unit shall have a minimum of eighty (80) square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of one (1) parking space per unit. The revised Site Plan shall be submitted to the EPC Site Plan Review Committee for final approval prior to DRB submittal.

At the time of the EPC approval of the Building Permit Site Plan, the EPC had established a Site Plan Review Committee. The Site Plan Review Committee reviewed certain site plan amendments at meetings which were neither publicly advertised nor open for public comment. The EPC no longer has a Site Plan Review Committee. Therefore, in early October of this year, prior to submitting for DRB final sign-off, Hunt sought the advice of the City planning staff on how to comply with this condition. Upon direction from the City legal counsel and members of the EPC, the staff determined that the appropriate course of action would be to present this issue to the full Commission at the December 5, 2002 hearing.

The Planning Department representative on the DRB reserved sign-off on the Building Permit Site Plan pending the EPC review of the Site Plan for compliance with this condition. On December 5, 2002, at an advertised public hearing, the EPC approved the location of the housing units and the associated open space. Subsequent to this action by the EPC, the Planning Department representative signed off on the Site Plans. The Planning Department's reservation of its approval pending this action satisfies the timing requirement of this condition.

V. HUNT IS SATISFYING ALL OF THE EPC CONDITIONS OF APPROVAL OF THE BUILDING PERMIT SITE PLAN

Winrock asserts that the DRB has taken action prior to satisfaction of all of the conditions imposed upon Hunt by the EPC for approval of the Site Plans. As of the date of the filing of the Current Appeal, all of the conditions had not been satisfied and for that reason the DRB had not taken final action on the sign-off of the Site Plans, resulting in this appeal being premature. It is ironic that PruWinrock filed its appeal before the DRB's work was done and asserts as one of its grounds for appeal that the DRB's work was not done.

PruWinrock asserts that the following conditions have not been satisfied:

- Condition No. 15. Which provides as follows:

  The restaurant shall be architecturally integrated into the overall site architecture. Guidelines shall be developed and submitted to the EPC Site Plan Review Committee.

This condition was satisfied by the EPC's approval of these guidelines at its December 5, 2002 meeting.

- Condition No. 21. Which provides as follows:

  Each housing unit shall have a minimum of eighty (80) square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of one (1) parking space per unit. The revised Site Plan shall be submitted to the EPC Site Plan Review Committee for final approval prior to DRB submittal.

This condition was satisfied by the EPC's approval at its December 5, 2002 meeting of the portions of the Site Plan showing how the open space has been provided for the housing units. PruWinrock argues that this condition is intended to require a complete review of the Site Plan by the EPC rather than a review of the treatment of the housing unit's open space. It is a strained reading of this condition to suggest that the second sentence in the condition does not relate to the first sentence.

- Condition No 1(B). Condition No. 1(B) to the Subdivision Site Plan provides, in part, as follows:

  An agreement between this property and Winrock Center needs to be reached on the realignment [of the loop road].

By agreement entitled "Interstate 40/Louisania Boulevard Interchange and Road Improvements Agreement", Prudential, the City and the New Mexico Transportation Department entered into an agreement which established the alignment of the loop road and provided for the dedication of the necessary rights-of-way and construction obligations to complete the loop road. This agreement satisfied the intent of this condition to ensure that agreements were in place for the completion of the loop road.

The loop road alignment on the site plans is as approved by the EPC for the Monroe Site and is consistent with the loop road alignment provided for in the Winrock road agreement.

- Condition 1A. Condition No. 1A to the Site Development Plan for Subdivision provides, in part, as follows:

  A. TIS has been performed for this request. An update of the TIS/AQIA to reflect the changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan.

The original TIS performed for the Monroe Site related to a site plan approved in Case No. 96-119. The Building Permit site plan the subject of this appeal was approved by the EPC in this action in case No. Z-98-123. This reference to the TIS update was to differentiate between the land uses in the two Site Plans considered by the EPC. This update was performed and approved by the Transportation Development Department. A copy of the letter making this comparison is attached. PruWinrock asserts that the addition of the housing units mandates additional traffic analysis. However, to encourage residential development in Uptown, the Uptown Plan specifically provides that traffic analysis shall be limited to the evaluation of traffic from "non-residential uses" (Uptown Plan Page 37). Therefore, this additional analysis is not required.

VI. THE DRB DID NOT VIOLATE NOTICE REQUIREMENT

Winrock argues that the City failed to satisfy certain notification requirements as a result of the characterization of the Site Plans as "minor" in nature. The City regulations have no provision for "minor" site plans, and therefore Winrock's arguments appear to be misguided. Winrock references the definition of a "minor subdivision". However, no subdivision actions are involved in these proceedings and reliance on this definition is misplaced.

Winrock quotes in its appeal Section 14-16-2-22(A)(6) which relates to the Planning Director's authority to approve "minor changes to approved site development plans". This reference is also misguided. Section 16 of the Zoning Code relates to the SU-1 Special Use Zone. The Monroe Site is not located within the SU-1 zone, but is zoned SU-3 pursuant to the Uptown Plan; very different zones with very different issues and goals. Section 3(H)(9) of the Uptown Plan dictates the procedures for the Planning Director's approval of "minor changes to an approved site development plan". This provision of the Uptown Plan does not contain the notification requirements specified for minor changes to site plans within the SU-1 zone.

Even if this section of the Zoning Code relating to the SU-1 zone were to be applied to the SU-3 zone it would not be applicable to this situation. This section, as well as the similar section in the Uptown Plan, relate to amendments to an approved site plan. The action before the DRB in this case is not an amendment of approved site plans, but is the initial approval of Site Plans considered at the public hearing before the EPC. Even if the SU-1 section was applicable, and DRB sign-off of the Plan satisfying the EPC conditions was determined to be an "amendment" to an approved site plan, these sections would not trigger notification requirements.

Winrock, asserts that the addition of the mandated housing units increases the building square footage by more than two percent (2%). Such an increase might trigger public notice pursuant to the SU-1 section. The Site Plan as presented to the DRB depicts housing units located on the top of a parking structure. Alternatively, the Site Plan

earmarks the top two floors of a high rise as the mandated housing units. These housing units were presented to the EPC on December 5, 2002 for its review. To achieve a more desirable and compatible land use mix, and at Hunt's urging, the EPC approved the location of the housing units in the high rise. This results in no net increase in building square footage from the plan that was originally presented to the EPC.

Finally, PruWinrock cannot be aggrieved by lack of notice when it has fully and actively participated in all of the DRB proceedings.

VII. CONCLUSION

Hunt respectfully requests that the EPC reject Winrock's appeal and uphold the final action by the DRB.

Sincerely,
Myers, Oliver & Price, P.C.

By: _____
John A. Myers

JAM/ck
Enclosure
cc: Vic Chavez, Director
Bob Paulsen, Principal Planner
Roger Green, DRB Chair
Sharon Matson
David Suffling, Esq.
Kevin Curran, Esq.
John Salazar, Esq.
Michelle Henrie, Esq.
Mr. Gary Sapp
Mr. Herb Denish
H:\HUNT\JAM\LETTERS\Ltr to Envir. Plan Comm 2.doc

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. 21881

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey corporation,

Petitioner-Appellant,

vs.

CITY OF ALBUQUERQUE, et al.,

Respondent-Appellee.

Bernalillo County
CV-99-1991

MANDATE TO DISTRICT COURT CLERK

(Applicable items are indicated by an "X" below.)

1. __X__ Attached is a true and correct copy of the original (decision/order) entered in the above-entitled cause.

2. __X__ This (decision/order) being now final, the cause is remanded to you for any further proceedings consistent with said (decision/order).

3. _____ Writ of Certiorari having been issued by the New Mexico Supreme Court and their decision being final, this cause is remanded to you for any further proceedings consistent with said Supreme Court decision attached hereto.

4. _____ You are directed to issue any commitment necessary for the execution of your judgment and sentence.

5. _____ District Court Clerk's Record returned herewith:
_____ tapes; _____ transcript; _____ depositions; _____ other.

6. _____ Exhibits filed herein shall be:
_____ picked up at this Clerk's Office forthwith.
_____ returned by this Clerk's Office.

7. _____ Cost Bill is assessed as follows:

9. _____ Attorney fees on appeal are granted as follows:

By direction of and in the name of the Chief Judge of the Court of Appeals, this 14th day of March, 2001.

(SEAL)

Patricia R. Wallace
Clerk of the Court of Appeals of the State of New Mexico

cc: Counsel w/out attachments

ATTEST: A true copy.
S. Jones
Patricia R. Wallace
Clerk of the Court of Appeals
of the State of New Mexico
by S. Jones

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey corporation,

Petitioner-Appellant,

vs.

No. 21,881
Bernalillo County
CV--99-1991

CITY OF ALBUQUERQUE,
a New Mexico municipal corporation,

Respondent-Appellee,

and

UPTOWN SQUARE, LTD.,

Interested Party-Respondent,

and

ALBUQUERQUE MUNICIPAL SCHOOL DISTRICT NO. 12, COUNTIES OF BERNALILLO AND SANDOVAL, a political subdivision of the State of New Mexico,

Intervenor-Respondent.

_____ /

FILED
01 JAN -10 PM 3:46
COURT OF APPEALS
STATE OF NEW MEXICO
P.R. WALLACE, CLERK

ORDER

This matter having come before the Court on Petitioner-Appellant Prudential Insurance Company of America's petition for writ of certiorari, and due consideration having been had,

IT IS HEREBY ORDERED that the petition for writ of certiorari is **DENIED.**

A. JOSEPH ALARID, Judge

RICHARD C. BOSSON, Judge

JONATHAN B. SUTIN, Judge

Copy of ISLEPC
Affidavit

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

1sh
EPC
Appeal

	Supplemental form		Supplemental form
SUBDIVISION	**S**	**ZONING**	**Z**
☐ Major Subdivision action		☐ Annexation & Zone Establishment	
☒ Minor Subdivision action		☐ Sector Plan	
☐ Vacation	**V**	☐ Zone Change	
☐ Variance (Non-Zoning)		☐ Text Amendment	
SITE DEVELOPMENT PLAN	**P**	**APPEAL / PROTEST of...**	**A**
☐ ...for Subdivision Purposes		☒ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal	
☐ ...for Building Permit			
☐ IP Master Development Plan			
☐ Cert. of Appropriateness (LUCC)	**L**		

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: PruWinrock, LLC
c/o Rodey Dickason Sloan Akin & Robb, PA (Michelle Henrie) PHONE: 505-768-7394
ADDRESS: P.O. Box 1888 FAX: 505-768-7395
CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: mhenrie@rodey.com
Proprietary interest in site: Owner of adjacent property
AGENT (if any): Rodey Dickason Sloan Akin & Robb, PA (Michelle Henrie) PHONE: 505-768-7394
ADDRESS: P.O. Box 1888 FAX: 505-768-7395
CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: mhenrie@rodey.com

DESCRIPTION OF REQUEST: Appeal of DRB decision on Nov. 20, 2002 re: Project No. 1002337, Case Nos. 02DRB-01708 and 02DRB-01710
Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☒ No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract A Block: ____ Unit: ____

Subdiv. / Addn. Monroe Junior High School

Current Zoning: SU-3 Inside & Outside Intense Core Proposed zoning: No Change

Zone Atlas page(s): J-19 No. of existing lots: 1 No. of proposed lots: 3

Total area of site (acres): 11.75/ 9.6 Density if applicable: dwellings per gross acre: 2 dwellings per net acre: 3

Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? No

UPC No. 1-019-058-048-497-2-04-14 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Louisiana Blvd., NE
Between: Indian School Rd., NE and Interstate 40

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Z-98-123, Z-96-119, 00EPC-01154, 02EPC-01472

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☐. Date of review: ____

SIGNATURE _____ DATE 12/3/02

(Print) Michelle Henrie ☐ Applicant ☒ Agent

FOR OFFICIAL USE ONLY Form revised September 2001

☑ INTERNAL ROUTING
☑ All checklists are complete
☑ All fees have been collected
☑ All case #s are assigned
☑ AGIS copy has been sent
☑ Case history #s are listed
☑ Site is within 1000ft of a landfill
☑ F.H.D.P. density bonus
☑ F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
02EPC - 01836	AppSDP/BP	A	$ 190.00
02EPC - 01837	AppSDP/SD	A	$ 190.00
- Appeal Notification		Fee	$ 50
- -			$
- -			$
		Total	$ 430.00

Hearing date 1-16-03

Project # 1002337

B Herbert 12/3/02
Planner signature / date

5

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:
☐ DECISION OF THE ZONING HEARING EXAMINER

Appeal to the Landmarks and Urban Conservation Commission regarding:
☐ CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

Appeal to the Environmental Planning Commission regarding:
☐ ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
☐ DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER
☒ DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD

Appeal to the City Council regarding:
☐ DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
☐ ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
☐ DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

☒ Project number of case being appealed; 1002337

☒ Application number of case being appealed; 02DRB-01708; 02DRB-01710

☒ Reason for the appeal *
☒ Appellant's basis of standing as an appellant *
☒ Letter of authorization from the appellant if this application for appeal is submitted by an agent
☒ Copy of the Official Notification of Decision regarding the matter being appealed
☒ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in *Zoning Code §14-16-4-4*. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

MICHELLE HENRIE
Applicant name (print)

Applicant signature / date 12/3/02

Form revised September 2001

☑ Checklists complete
☐ Fees collected
☑ Case #s assigned
☑ Related #s listed

Application case numbers
02EPC -01836
02EPC -01837
- -

Planner signature / date 12/03/03

Project # 1002337

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
WILLIAM S. DIXON
JOHN P. BURTON
REX D. THROCKMORTON
JONATHAN W. HEWES
RICHARD C. MINZNER
W. ROBERT LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG

CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
R. TRACY SPROULS
KARLA K. POE
ALAN HALL
BRIAN H. LEMATTA
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
DIANA V. SANDOVAL
BRENDA MALONEY
MATTHEW S. WERMAGER
LARRY J. MONTARO

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
COUNSELORS AND ATTORNEYS AT
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WEB-SITE: WWW.RODEY.COM
E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
DONALD B. MONNHEIMER
JULIE P. NEERKEN
ROBERT G. McCORKLE
PABLO PRANDO

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER
505-768-7394
mhenrie@rodey.com

December 3, 2002

Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd St. NW, 2nd Floor
Albuquerque, New Mexico

Re: Appeal of DRB decision dated November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

Dear Environmental Planning Commissioners:

This firm represents PruWinrock, LLC, the owner of Winrock Shopping Center. PruWinrock, LLC is appealing the above-referenced decision of the Development Review Board. PruWinrock, LLC owns property within 300 feet of the above referenced property.

We enclose with this letter the following:

1. Development Review Application

2. Appeal (Form A)

3. A check for $ 430 as a filing fee.

4. "Reasons for the Appeal," which includes:
   a. Appellants' basis of standing, and
   b. A copy of the DRB Action Sheet (no Notice of Decision was issued for this matter).

5. A letter of authorization.

Very truly yours,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By
Michelle Henrie

MH/cw
Enclosures as stated

cc (via hand delivery):

Members of the Environmental Planning Commission:
Susan Johnson, Vice Chair
Elizabeth Begay
John Briscoe
Larry Chavez
Jeffrey Jesionowski
Mick McMahan
Bevin Owens
Camilla Serrano
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
John P. Salazar, Esq.
Lawrence S. Kline, Herbert M. Denish & Associates, Inc.
John A. Myers, Esq.
John J. Kelly, Esq.

cc (via mail):

Councillor Sally Mayer
Jay Czar CAO
Ted Asbury PE
Victor Chavez PE
Bob White. Esq.
David Suffling, Esq.
Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
Charles E. Miller, Prudential Real Estate Investors
Shelton Weeks, Manager, Prizm Partners
Members of Uptown Neighborhood Associations:
Bill Sterchi

Lynn Tabor
Stephen Verchinski
Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil
Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Dorothy Finaldi
Rick Paul
Tom Joule
Richard Peterson
John Kinney
Nicholas Wees
Virginia Emmett
Randy Sanchez, General Manager, Coronado Center

Prudential Financial

Charles Miller
Principal

Prudential Real Estate Investors
Two Ravinia Drive, Suite 1400, Atlanta GA 30346
Tel 770 395-8620 Fax 770 395-8454
charles.miller@prudential.com

Re: Appeal of DRB decision dated November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

To whom it may concern:

PruWinrock, LLC, owner of the Winrock mall, hereby authorizes Rodey, Dickason, Sloan, Akin & Robb, P.A., to act as its agent for all purposes relating to appeal of the above-referenced decision and matters relating thereto.

Sincerely,

PruWinrock LLC, a Delaware
Limited Liability Company

By: The Prudential Insurance Company of America,
A New Jersey corporation, its sole member and
Manager

Charles E. Miller
Principal

REASONS FOR THE APPEAL

Appeal of DRB decision dated November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

PruWinrock, LLC ("PruWinrock"), the owner of Winrock Shopping Center, hereby appeals the November 20, 2002 decision by the Development Review Board ("DRB") to perform final sign off for the above referenced Minor Site Plan for Building Permit and Minor Site Plan for Subdivision. Both Site Plans are for a 9.63 acre vacant tract of land in the Uptown area of Albuquerque that was the former site of the Monroe Junior High School, now known as the "Monroe site." The Monroe site is northwest of and adjacent to the Winrock Shopping Center. The Monroe site is included within the boundaries of the Uptown Sector Development Plan ("Uptown SDP"). Under the Uptown SDP, the Monroe site is zoned SU-3 for the Uptown Urban Center, Inside the Intense Core and SU-3 for the Uptown Urban Center, Outside the Intense Core. The DRB's action is described in the attached Action Sheet labeled Exhibit A. No Notice of Decision was issued.

Basis for Standing

PruWinrock has standing to bring this appeal because it owns property within 300 feet of the Monroe site and is imminently threatened with injury as a result of the DRB's decision. Albuquerque, N.M., Code of Ordinances ("Zone Code") § 14-16-4-4 (B)(2)(c) and De Vargas Savings & Loan Ass'n v. Campbell, 87 N.M. 469, 472, 535 P.2d 1320, 1323 (1975) (appellants must be injured in fact or imminently threatened with injury, economically or otherwise).

Background

The Monroe site has been vacant since the early 1980s. In 1998, the site was acquired by several local investors ("the Tesch group"). The Tesch group submitted both a Site Plan for Building Permit and a Site Plan for Subdivision to the EPC in August of 1996. The project became known as "Uptown Spectrum I." These plans were eventually approved by EPC in May of 1997 and withstood appeal. However, the Tesch group never submitted these plans to the DRB for final sign off.

In August of 1998, the Tesch group submitted a different project, the "Uptown Spectrum II" project, to the EPC for review. This submittal package included a Site Plan for Building Permit, a Site Plan for Subdivision, and a Sector Development Plan amendment. On October 15, 1998, the EPC approved the Site Plans and recommended approval of the Sector Development Plan amendment with the addition of a housing component. City Council approved the Sector Development Plan amendment in February of 1999. However, the Tesch group never submitted the Site Plans to DRB for final sign off.

In the summer of 2002, Hunt Uptown II, LLC, the current owner of the Monroe site, together with Hunt Uptown, LLC, the owner of the large, vacant, adjacent tract to the north (known as the St. Pius site), publicly unveiled a project integrating the two sites called "ABQuptown." In connection with this project, the Hunt entities submitted a Site Plan for Subdivision and Sector Development Plan amendment. Before the EPC had an opportunity to review the ABQuptown project at a public hearing, Hunt Uptown II, LLC, revised the old 1998 Uptown Spectrum II project Site Plans and submitted them to the DRB for final sign-off. In other words, Hunt Uptown LLC took the position that after four years of limbo, the Site Plans could be revived intact and the process could be reinstated where it left off. On November 20, 2002, the DRB reviewed the revised Site Plans. As stated in the DRB Action Sheet, the revised Site Plans "were approved with final sign off delegated to the City Engineer, Transportation Development and Planning."

Reasons for the Appeal

1. Pursuant to the Uptown SDP, the DRB did not have jurisdiction over final sign off on the revised Site Plans.

Section 3 of the Uptown SDP applies to all property zoned SU-3, both within and outside of the Intense Core. Subsection H(11) on page 25 of the Uptown SDP states "The portions of site development plans showing structures that have not obtained building permits within two years of site plan approval shall be void, but may be reapproved following standard procedure."

The EPC approved these on October 15, 1998. Building permits were not obtained for any portion of the Uptown Spectrum II project within two years of the Site Plan approvals. Thus the Uptown Spectrum II plan became void on October 15, 2000. The DRB never had jurisdiction over final sign off on the Uptown Spectrum II plans because these plans needed to be reapproved through the standard procedure prior to DRB final sign off.

2. Also, pursuant to the EPC's conditions of approval, the DRB did not have jurisdiction over final sign off on the Site Plan for Building Permit.

The original Applicant for the Uptown Spectrum II project did not propose any housing for the site. On October 15, 1998, the EPC expressly added the housing requirement as a condition of approval. It also concurrently caused the Uptown Plan to be amended to include a housing component as a second step in ensuring that housing would be incorporated into this project. As a third step, the EPC retained jurisdiction over the project. Condition Number 21 to the Site Plan for Building Permit states that "[t]he revised site plan shall be submitted to the EPC site plan review committee for final approval *prior to DRB submittal*." (Emphasis added). Even though EPC's delegee, the site plan review committee, no longer exists, the EPC still does. Until it reviewed the revised site plans, the DRB had no jurisdiction over final sign off on the Site Plan for Building Permit.

3. Even if the DRB had jurisdiction over final sign off on the revised Site Plans, it erred in allowing final sign off before the Applicant met all conditions of EPC approval.

The October 15, 1998 approval by the EPC included several pages of conditions. The DRB seemed to believe that all of these conditions had been met. They have not.

Two conditions of approval required re-review by an EPC subcommittee. Condition Number 15 to the Site Plan for Building Permit references architectural integration of restaurants into the site. There is no indication that any efforts have been made towards developing guidelines for architecturally integrated the restaurants into the site. Yet the DRB did not wait for the Applicant to submit the specific guidelines before taking action.

Condition Number 21 to the Site Plan for Building Permit, which is mentioned above, required the revised Site Plan for Building Permit to be submitted to the EPC site plan review committee. The DRB should not have acted on the final sign off until the EPC reviewed the revised Site Plans. The condition did not limit review to the housing component only or a few applicable pages of the Site Plan for Building Permit– which is what the DRB seems to have remanded to EPC for hearing on December 5, 2002. Rather, the condition requires review of the entire revised site plan, presumably to see whether and how the housing component has been integrated into all aspects of the project– from parking to pedestrian circulation to the physical design features. Further, the conditions expressly state that this review shall be accomplished

prior to the DRB submittal. It was not.

A third condition of approval, Condition Number 1(B) to the Site Plan for Subdivision, was the requirement that the owners of the Monroe site and the Winrock property come to an agreement about the Loop Road. They have not. The Applicant claims it can rely on a separate agreement among the owners of the Winrock property and third parties to which it is neither a party nor a beneficiary. It cannot.

A fourth condition, Condition Number 1(A) to the Site Plan for Subdivision, related to the Traffic Impact Study ("TIS"). It stated: "A TIS has been performed for this request. An update of the TIS / AQIA to reflect changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan." The "changes in land use intensities" and "approved as amended land uses" can only mean the housing component added by the EPC. Yet, despite this directive, the Applicant did not update the TIS to include the housing component. By contrast, the Applicant's agent submitted a letter on November 4, 2002, to Tony Loyd stating "This is to confirm that the land uses described in the September 30, 1998 letter from Albert Thomas of Bohannan Huston, Inc. to Joe David Montano of Transportation Development *are identical to those currently proposed for the Spectrum II site.*" The uses are not identical. They now include a housing component, and EPC directed that the housing component be reflected in an updated TIS. Based on the EPC transcript from October 15, 1998, it appears the members believed that integrating of housing into the site would improve the air quality situation of the site. Nevertheless, they asked for proof. We'll never know if they were correct in their theory because the Applicant never submitted the changes to the Transportation Department.

4. Even if the DRB had jurisdiction over final sign off on the revised Site Plans, it erred by accepting the revised Site Plans as "Minor" and by acting on those Site Plans without properly noticing the action.

The 1998 Site Plan approvals were for Site Plans, not for "Minor" Site Plans. However, in 2002, the Applicant styled its revised Site Plans as "Minor" Site Plans. The City's Zoning Code nowhere identifies what a "Minor" Site Development Plan is.

The Zoning Code does identify a "Minor" Subdivision as one that does not require installation of any significant infrastructure. (§14-14-1-6, Definition of "Subdivision, Minor"). The Applicant's infrastructure lists show a new traffic signal, modifications to an existing traffic

signal, seven turn lanes, two bus bays, and yards of sewer, water, and storm drain improvements. The new traffic light alone constitutes "significant infrastructure." Hence, the revised Site Plan for Subdivision was not for a "Minor" Subdivision.

The Zoning Code also uses the word "minor" in connection with changes to an approved site development plan. "Minor" changes are those in which (1) the buildings retain the same general configuration, (2) the total building square footage does not increase by more than 10%, (3) the vehicular circulation has the same general effect, and (4) neither the City nor any person will be substantially aggrieved by the altered plan– not the alteration, but the "altered plan." §14-16-2-22(A)(6) and §14-16-3-11(C)(2)(c). If the changes are not "minor," they must be approved by the EPC, not the Planning Director. Id. And if there "might be a person substantially aggrieved by the altered plan or if the total building square footage would be increased by more than 2%," the Planning Director must mail notice to neighborhood associations and adjacent property owners. §14-16-2-22(A)(6).

In 2002, the Applicant submitted revised Site Plans to the DRB. Among other changes, these revised Site Plans incorporated a new housing component. The housing was added to the total building square footage shown on the approved Site Plans. The revised Site Plans do not state the square footage of the new housing units, so there was no way for the Planning Director or DRB to know whether the total building square footage would be increased by more than 2%. Based on the scale of the revised Site Plan drawings, the new housing units do increase the total building square footage by more than 2%. The City should have mailed notice about this change to neighborhood associations and adjacent property owners. It did not.

These revised Site Plans are not "Minor" Site Plans. Furthermore, the revised Site Plans included changes from the approved Site Plans. Changes trigger an amendment process under the Zone Code. The Zone Code nowhere excepts from the amendment process changes made pursuant to the directive of EPC. Because the changes were not "minor" amendments, they should have been properly noticed.

Conclusion

For these reasons, PruWinrock respectfully asks the Environmental Planning Commission to reverse the decision of the DRB.

Planning Department
Development Review Board Agenda/Action

DEVELOPMENT REVIEW BOARD
ACTION SHEET

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

November 20, 2002 9:00 a.m.
MEMBERS:

Roger Green, Acting DRB Chair
Claire Senova, Administrative Assistant

Richard Dourte, Transportation Development
Brad Bingham, Alternate City Engineer
Sheran Matson, Planning
Christina Sandoval, Parks & Recreation

****

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946 (VOICE) OR TELETYPEWRITER (TTY) 924-3361 - TTY USERS MAY ALSO ACCESS THE VOICE NUMBER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE BOARD SECRETARY MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. **Call to Order: 9:00 A.M.** **Adjourned: 12:12 P.M.**
B. Changes and/or Additions to the Agenda
C. Announcements

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

16

EXHIBIT
tabbies
A

1. **Project # 1001594**
02DRB-01621 Major-Bulk Land Variance
02DRB-01622 Major-Vacation of Pub Right-of-Way
02DRB-01623 Minor-Prelim&Final Plat Approval

COMMUNITY S NCES CORPORATION agent(s) for INVESTMENTS & CONSTRUCTION request(s) the above action(s) for UNPLATTED TRACTS, **SALAZAR & DAVIS TRACTS,** zoned MULTIPLE, SEE RIO BRA SECTOR DEVELOPMENT PLAN, located SOUTH AN EAST OF CARTAGENA AVE SW, between DELGADO DR SW (IF EXTENDED SOUTH) and SNOW VISTA DIVERSION CHANNEL containing approximately 300 acre(s). [REF: 01500-01652, 01792 SK, Z-99-58] (N-9) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO TRANSPORTATION.**

2. **Project # 1002033**
02DRB-01655 Major-Vacation of Public Easements

HARRIS SURVEYING INC. agent(s) for BEALHEN CONSTRUCTION request(s) the above action(s) for all or a portion of Lot(s) 10, **SANDIA GLO SUBDIVISION,** zoned R-D residential and related uses zone, developing area, located on SANDIA GLO CT NE, between CORONADO AVE NE and KARAK RD NE containing approximately 1 acre(s). [REF: 02EPC-01195, 02DR 00935, V-97-138, S-99-39] (D-21) **THIS VACAT ACTION WAS REMANDED BACK TO DRB FRO EPC. VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

3. **Project # 1002315**
02DRB-01650 Major-Preliminary Plat Approval
02DRB-01651 Major-Vacation of Pub Right-of-Way
02DRB-01652 Major-Vacation of Public Easements
02DRB-01653 Minor-Temp Defer SDWK
02DRB-01654 Minor-Sidewalk Waiver

BOHANNAN HUSTON, INC. agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **THE WILDERNESS @ HIGH DESERT,** zoned SU-2, HD, R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND, containing approximately 73 acre(s). [REF: 02DRB-01646] [DEFERRED FROM 11/20/02, PP, TDS, SW) (F-23) **THE VACATION (02-01651) FOR ITEM 4 WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE VACATION OF THREE DIFFERENT EASEMENTS (02-01652) WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDIT THE VACATION OF EASEMENT 30 IS APPRO WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT APPLICATION # 02-01653**

APPROVED AS 'HOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION: THE VACATION OF EASEMENT 30 IS APPROVED WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT, APPLICATION # 02-01653, FOR TEMPORARY DEFERRAL OF SIDEWALKS AND APPLICATION # 02-01654 FOR SIDEWALK WAIVER WERE DEFERRED AT THE AGENT'S REQUEST TO 12/4/02.

4. **Project # 1002318**
02DRB-01649 Major-Bulk Land Variance
02DRB-01656 Minor-Prelim&Final Plat Approval

BOHANNAN HUSTON INC agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **HIGH DESERT, (to be known as THE WILDERNESS @ HIGH DESERT,** zoned SU-2 / HD R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND containing approximately 73 acre(s). (F-23) **BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS WITHDRAWN AT THE AGENT'S REQUEST.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)
NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

5. **Project # 1000226**
02DRB-01739 Minor-SiteDev Plan BldPermt/EPC

DORMAN-BREEN ARCHITECTS agent(s) for CROSS OF HOPE LUTHERAN CHURCH request(s) the above action(s) for all or a portion of Tract(s) S-1-B, **TAYLOR RANCH,** zoned SU-1 special use zone, for church & related facilities, located on TAYLOR RANCH DR NW, between MONTANO RD. NW and KACHINA ST. NW containing approximately 4 acre(s). [REF: Z-80-74-2, 02EPC-01349] **[Juanita Vigil, EPC Case Planner]** (E-11) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT AND TRANSPORTATION DEVELOPMENT.**

TRANSPORTATIC DEVELOPMENT.

*
*
*
*

6. **Project # 1001124**
02DRB-01734 Minor-SiteDev Plan BldPermit/EPC

PHILIP PELZMAN agent(s) for CHRIST LUTHERAN CHURCH & SCHOOL request(s) the above action(s) for all or a portion of Lot(s) 40, Block 40, **BROAD ACRES,** zoned SU-1 Church & related facilities, located on PENNSYLVANIA NE, between CANDELARIA NE and LOUISIANA NE containing approximately 5 acre(s). [REF: Z-96-1, DRB-96-219, 01410-00357 (VPE), ZA-68-71-1] **[Debbie Stover, EPC Case Planner]** (G-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT AND PLANNING.**

7. **Project # 1001565**
02DRB-01713 Minor-SiteDev Plan BldPermit/EPC

GREAT BASIN ENGINEERING agent(s) for SMITH'S FOOD & DRUGS request(s) the above action(s) for all or a portion of Tract(s) J-1, **REPLAT OF FOUR HILLS SHOPPING CENTER AND APARTMENT COMPLEX,** zoned C-2 community commercial zone, SHOPPING CENTER SITE, located on TRAMWAY BLVD SE, between CENTRAL AVE SE and WENONAH AVE SE containing approximately 9 acre(s). [REF: 01EPC-01544, ZA-96-146, ZA-92-93, V-89-88, Z-84-124-1] **[Debbie Stover, EPC Case Planner]** (L-22/23) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING.**

8. **Project # 1002324**
02DRB-01741 Minor-SiteDev Plan BldPermit
02DRB-01742 Minor-SiteDev Plan Sub

KEN HOVEY agent(s) for MOCHO,OLSON, CHANEY & MOCHO LLP request(s) the above action(s) for all or a portion of Block(s) 4, Tract(s) 7-A, Unit B, **NORTH ALBUQUERQUE ACRES,** (to be known as **VENICE BUSINESS CENTER,** zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [R 1000447, 1000907] (B-18) **INDEFINITELY DEFERR AT AGENT'S REQUEST.**

Sub

BUSINESS CENTER, zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**

9. **Project # 1002337**
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC
02DRB-01710 Minor-SiteDev Plan Subd/EPC

HERB DENISH AND ASSOCIATES, INC. agent(s) for UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING. THE INFRASTRUCTURE LIST DATED 11/20/02 WAS APPROVED.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

10. **Project # 1001558**
02DRB-01714 Minor-Prelim&Final Plat Approval

BURTON ENGINEERS INC. agent(s) for CORONADO PARK LTD. request(s) the above action(s) for all or a portion of Tract(s) A, **CORONADO VILLAGE,** zoned SU-2 MUD, located on the northwest corner intersection of I-25 and PASEO DEL NORTE NE containing approximately 58 acre(s). [REF: 01420—01520 (VPE on 11/14/01) (C-17) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO CITY ENGINEER AND TRANSPORTATION DEVELOPMENT.**

11. **Project # 1002221**
02DRB-01738 Minor-A....d Prelim Plat Approval

BOHANNAN HUSTON, INC. agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) J, VENTANA RANCH, **VITTORIA SUBDIVISION VENTANA RANCH,** zoned R-2, located on PASEO DE NORTE NW, between UNIVERSE BLVD NW and PARADISE BLVD NW containing approximately 21 acre(s). [REF: 02DRB-1563] (B-10) **THE AMENDED PRELIMINARY PLAT WAS APPROVED AND THE AMENDED GRADING PLAN ENGINEER STAMP DATED 11/12/02 WAS APPROVED. THIS AMENDMENT DOES NOT EXTEND THE EXPIRATION DATE OF THE APPROVED PRELIMINARY PLAT.**

12. **Project # 1002324**
02DRB-01740 Minor-Prelim&Final Plat Approval

ISAACSON & ARFMAN, PA agent(s) for MOCHO, OLSON, CHANEY & MOCHO, LLP. request(s) the above action(s) for all or a portion of Lot(s) 7A, Tract(s) A, Block 4, Unit B, **NORTH ALBUQUERQUE ACRES,** zoned IP, located on BEVERLY HILLS AVE NE, between VENICE AVE NE and I-25 containing approximately 6 acre(s). [REF: 00410- 01540, 02-01670 (SK)] (B-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

13. **Project # 1000267**
02DRB-01555 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST, LTD. agent(s) for BILL WADE / UPWEST CORP. request(s) the above action(s) for all or a portion of Lot(s) 13 & 14, **BREEZE @ SOUTH PEAK,** zoned R-3 residential zone, located on OCEAN BREEZE DR NE, between CHELWOOD PARK BLVD. NE and EASTRIDGE DR. NE containing approximately 1 acre(s). [REF: 02DRB-00954 SIA, 00460-00223 SK,00440-01100 FPA,00410-00399] [INDEFINITELY DEFERRED FROM 10/23/02 AND 11/20/02] (J-22) **INDEFINITELY DEFERRED ON A NO SHOW.**

NO ACTION IS TAKEN ON THESE CASES:
IF APPLICANT IS NOT PRESENT, COMMENTS WILL BE FORWARDED

14. **Project # 1000390**
02DRB-01737 Minor-Sketch Plat or Plan

BOHANNAN HUSTON agent(s) for LAS VENTANAS LIMITED PARTNERSHIP. request(s) the above action(s) for all or a portion of Tract(s) H, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the southeast corner of UNIVERSE NW and PARADISE BLVD NW containing approximately 16 acre(s). [REF: 01410-01495] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

15. **Project # 1002346**
02DRB-01735 Minor-Sketch Plat or Plan

BOHANNAN HUSTON agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) G, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the northeast corner of UNIVERSE BLVD NW and PARADISE BLVD NW and containing approximately 13 acre(s). [REF: DRB-96-6, (1000390)] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

16. **Project # 1001986**
02DRB-01715 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOC. agent(s) for RIO OESTE DEVELOPMENT, LLC request(s) the above action(s) for all or a portion of Tract(s) D & E, **TAYLOR RANCH,** zoned R-1 residential zone, located on the WEST SIDE OF COORS BLVD NW, between LA ORILLA RD NW and VILLA CORTA DEL SUR NW containing approximately 10 acre(s). [REF: 02EPC-00834, 02EPC-00835] (E-12) **THE ABOVE REQUEST WAS**

17. **Project # 1002342**
02DRB-01720 Minor-Sketch Plat or Plan

MARK GOODWI[illegible] ASSOCIATES, PA agent(s) for MEL FAMIE, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-3, **CLYDE LELAND SUBDIVISION,** zoned R-T residential zone, located on ATRISCO DR NW, between LEGENDS AVE NW and WESTERN TRAIL NW containing approximately 3 acre(s). [REF: Z-85-138-502] (F-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. **Project # 1002345**
02DRB-01733 Minor-Sketch Plat or Plan

CLINT SHERRILL & ASSOCIATES agent(s) for GOLDEN VENTURES, LLC, ROBERT SHAFFER JR. request(s) the above action(s) for all or a portion of Lot(s) 3, Unit 1, **BROADWAY INDUSTRIAL CENTER,** zoned SU-2 special neighborhood zone, HM, located on the east end of SAN JOSE AVE SE, between KARSTEN CT SE and SOUTH I-25 containing approximately 14 acre(s). [REF: DRB-97-271, (1000131) 02DRB-00109[illegible] (M-14) **THE ABOVE REQUEST WAS REVIEWED A[illegible]**

19. **Project # 1002347**
02DRB-01736 Minor-Sketch Plat or Plan

RICHARD HUDSON agent(s) for LAUREANO MEDRANO request(s) the above action(s) for all or a portion of Lot(s) 36 & 37, Block B, **MONKBRIDGE ADDITION,** zoned M-1, located on HEADINGLY NW, between 2ND STREET NW and 1ST STREET NW containing approximately 1 acre(s). (G-15) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20. **Project # 1002002**
02DRB-01743 Minor-Sketch Plat or Plan

ADVANCED ENGINEERING & CONSULTING, LLC agent(s) for RETAIL DEVELOPMENT INC., LLC request(s) the above action(s) for all or a portion of **BEAR CANYON ARROYO, SAN MATEO DEL NORTE,** zoned C-3 heavy commercial zone, located WEST OF SAN MATEO BLVD NE, between OSUNA RD NE and ACADEMY RD NE containing approximately 5 acre(s). [LISTED AS PROJECT #1002348 WHICH WAS INCORRECT] (E-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

21. Approval of the Development Review Board minutes for 10/30/02 and 11/6/02. **THE MINUTES WERE APPROVED SUBJECT TO CHANGES BY THE BOARD.**

ADJOURNED: 12:12 P.M.

Comments to:

Joe McSorley
Planning Department
1 Civic Plaza NW
Albuquerque, NM 87103
(505)924-3861

EMAIL

(c) 2002 City of Albuquerque | Disclaimer | Privacy Statement

ONE STOP SHOP ••• FRONT COUNTER
City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)
LAND DEVELOPMENT COORDINATION SECTION (LDC)
Plaza Del Sol -2nd & 4TH Floor West - 600 2nd St NW 87102
Front Counter Main Number (505) 924-3858 or 924-3895
Main Fax (505) 924-3864

PAID RECEIPT

APPLICANT NAME Pru Winrock, LLC

AGENT Rodey Law Firm

ADDRESS P.O. Box 1888

PROJECT NO. 1002337

APPLICATION NO. Appeal SDP 4 BP 02136-01836 / Appeal SDP 4 SID 02136-01837

$ _____ 441006 / 4983000 (DRB Cases)

$ 190x2 441006 / 4971000 (EPC & AA / LUCC / Appeals)

$ 50 441018 / 4971000 (Notification)

$ 430.00 **Total amount due**

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.
COUNSELLORS AND ATTORNEYS AT LAW
201 3RD STREET N.W., SUITE 2200
P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103

Check No. **112310**

WELLS FARGO BANK, N.A.
ALBUQUERQUE, NM 87103
95-219
1070

Date: **December 3, 2002**

AMOUNT OF CHECK
***$430.00

Four hundred thirty and 00/100 DOLLARS

PAY TO THE ORDER OF:
City of Albuquerque Planning & Zoning

By _____

By _____

TWO SIGNATURES REQUIRED IF AMOUNT OF CHECK IS $1000.00 or above

VOID AFTER 90 DAYS

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT ANGLE TO VIEW

⑈112310⑈ ⑆107002192⑆627 44962 6⑈

12/03/2002 3:01PM
RECEIPT# 00000823 WSH 007 TRANS# 00
Account 441006 Fund 0000
Activity 4971000 TRSCDE
Trans Amt 10/28/02 $430.00
J24 Misc $380.

counterreceipt.doc

25

ENVIRONMENTAL PLANNING COMMISSION

A G E N D A

Thursday, January 16, 2003, 8:30 a.m.

Plaza del Sol Hearing Room

Lower Level
600 2nd Street NW

MEMBERS

Alan Schwartz, Chairman

Susan Johnson, Vice Chair

Elizabeth Begay
Mick McMahan
Camilla Serrano
Jeffery J, Jesionowski

Bevin Owens
Larry Chavez
John Briscoe

****

NOTE: A LUNCH BREAK AND DINNER BREAK WILL BE ANNOUNCED AS NECESSARY.
Agenda items will be heard in the order indicated below unless modifications to the Agenda are approved by the EPC at the beginning of the hearing (see item 1A and 1B below); deferral and withdrawal requests (by applicants) are generally reviewed at this time.

There is no set time for cases to be heard; however, interested parties can monitor the progress of the hearing by calling the Planning Department at 924-3860. All parties wishing to address the Commission must sign-in with the Commission Secretary at the front table prior to the case being heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff - 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each.

All written materials – including petitions, legal analysis and other documents – should be submitted at least one week prior to the meeting in time for presentation to the EPC at its Study Session. The EPC strongly discourages submission of written material at the meeting. Except in extraordinary circumstances, the EPC will not consider any written materials submitted at the meeting. In the event the EPC believes the written material submitted may influence its final decision, the EPC will likely defer the matter to a subsequent meeting.

NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.

1. Call to Order.
   A. Election of Officers for 2003
   B. Announcement of Changes and/or Additions to the Agenda
   C. Approval of the Amended Agenda
   D. Approval of Minutes for November 21, 2002

2. 02EPC-01836 (SBP) and 02EPC-01837 SPS)Project # 1002337
02DRB-01708 Minor-Site Dev Plan BldPermit/EPC
02DRB-01710 Minor-Site Dev Plan Subd/EPC

Rodey Dickason Sloan Akin & Robb PA, Michelle Henrie, appeals the Development Review Board's approval of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) Bob Paulsen, EPC Case Planner.

3. Project # 1001323
02EPC-01159 EPC Site Development Plan-Amendment to Building Permit

BILL BURK, THIRD, ARCHITECT agent(s) for WILLIAM & EDNA MCIVER request the above action(s) for all or a portion of Lot(s) 1A,2A,3,4,, Block(s) 32 Lots 1A, 2A, 3, 4, 5 & 6, **Terrace Addition**, zoned MD-2, located on SOUTH SIDE OF LEAD AVE SE, between CEDAR STREET SE and SPRUCE STREET SE, containing approximately 1 acre(s). (K-15) Deborah Stover, Staff Planner **DEFERRED FROM NOVEMBER 21, 2002**

4. **Project 1001914**
02EPC-00980 Site Development Plan – Building Permit

TIERRA WEST LLC agent(s) for IHOP REALTY CORP. request the above action(s) for all or a portion of Tract(s) A and B, Lot(s) 4 and 5, **Ever Ready Oil Subdivision; 40/25 Associates; and Gibson Tracts,** located on GIBSON BOULEVARD SE between UNIVERSITY BOULEVARD SE and I-25, containing approximately 5.0630 acre(s). (L-15) Makita Hill, Staff Planner **(DEFERRED FROM NOVEMBER 21, 2002)**

5. Project # 1002054
02EPC-00969 Site Development Plan-Building Permit

PETER P. ARMIJO agent(s) for VOICESTREAM WIRELESS request the above action(s) for all or a portion of Lot(s) 5A, Block(s) 16, Tract(s) 2, **North Albuquerque Acres Unit 3**, zoned R-D Church and Related Uses, located on WYOMING BLVD. NE between WILSHIRE NE and CORONA NE, containing approximately 4.03-acre(s). (C-19) Cynthia Borrego, Staff Planner **(DEFERRED FROM DECEMBER 19, 2002)**

6. Project # 1002123
02EPC-01149 Zone Map Amendment

GARCIA/KRAEMER & ASSOC. agent(s) for DEL'S HIDE-A-WAY PARK, LTD. request the above action(s) for all or a portion of Tract(s) 22-A-1, **MRGCD Map 33**, a zone map amendment from R-1 to R-T, located on 4TH ST NW, between SAN CLEMENTE NW and JUPITER STREET NW, containing approximately 4 acre(s). (G-14) Len Malry, Staff Planner ***(DEFERRED FROM DECEMBER 19, 2002)***

7. Project # 1002357
02EPC-01767 EPC Site Development Plan-Building Permit

MASTERWORKS ARCHITECT INC. agent(s) for RNG, LLC request the above action(s) for all or a portion of Lot(s) 11, **NZ Commercial Office Center**, zoned IP, located on RANDOLPH CT. SE, between UNIVERSITY BLVD. SE and YALE BLVD. SE, containing approximately 2 acre(s). (M-15) Debbie Stover, Staff Planner

8. Project # 1002360
02EPC-01774 Zone Map Amendment
02EPC-01775 EPC Site Development Plan-Building Permit

TIERRA ENCANTADA CONSULTANT agent(s) for SHERRY LOVELACE request the above action(s) for all or a portion of Lot(s) 7B, **Siesta Hills Subdivision**, a zone map amendment from R-1 to SU-1 for Bed & Breakfast, located on RIDGECREST DRIVE SE, between SAN PEDRO BLVD. SE and RIDGECREST LOOP SE, containing approximately 1 acre(s). (M-18) Makita Hill, Staff Planner

9. Project # 1001004
02EPC-01778 Zone Map Amendment
02EPC-01779 EPC Site Development Plan-Building Permit

ENEDELIA GUAJARDO agent(s) for CASA DEL REY MINISTRIES request the above action(s) for all or a portion of Tract(s) 9, **West Bluff Center**, a zone map amendment from R-1 to PR, located on CORONA DRIVE NW, between OURAY NW and ALAMOGORDO, containing approximately 1 acre(s). (H-11) Juanita Vigil, Staff Planner

10. Project # 1001081
02EPC-01776 EPC Site Development Plan-Building Permit
02EPC-01777 EPC Site Development Plan-Amendment to Subdivision

TIERRA WEST LLC agent(s) for MENAUL DEVELOPMENT THREE LLC request the above action(s) for all or a portion of Lot(s) 23, **Snow Heights Addition**, zoned C-2 (SC), located on MENAUL BLVD. NE, between EUBANK BLVD. NE and GLORIETTA ST. NE, containing approximately 11 acre(s). (H-20) Makita Hill, Staff Planner

11. Project # 1002359
02EPC-01772 EPC Site Development Plan-Subdivision
02EPC-01773 EPC Site Development Plan-Building Permit

CONSENSUS PLANNING, INC. agent(s) for PATRICK STROSNIDER request the above action(s) for all or a portion of Tract(s) B-1A, **Lands of Joel P. Taylor**, zoned SU-1 PDA, located on WINTER HAVEN ROAD NW, between MONTANO ROAD NW and LA ORILLA ROAD NW, containing approximately 7 acre(s). (E-12) Deborah Stover, Staff Planner

12. Project # 1000965
02EPC-01769 Zone Map Amendment
02EPC-01770 EPC Site Development Plan-Building Permit
02EPC-01771 EPC Site Development Plan-Amendment to Subdivision

CONSENSUS PLANNING, INC. agent(s) for CITY OF ALBUQUERQUE/OPEN SPACE DIVISION request the above action(s) for all or a portion of Tract(s) 6, **Lands of Ray A. Graham III, Ovenwest Cor**, a zone map amendment from SU-1 C-2, O-1, PRD (10 du/ac) to SU-1 for Major Public Open Space, located on MONTANO ROAD NW, between COORS BLVD. NW and CORRALES RIVERSIDE DRAIN, containing approximately 3 acre(s). (E-12) Chris Hyer, Staff Planner

13. Project # 1002358
02EPC-01768 SPR Special Planning Request

CITY OF ALBUQUERQUE/CIP a request for the Environmental Planning Commission to review and hold public hearing on the Mayor s Proposed Decade Plan Capital Improvements, 2003-2012. Included in the Decade Plan are the general obligation bond programs of the Departments of: Cultural Services; Environmental Health; Family & Community Services; Finance & Administrative Services; Fire; Parks & Recreation; Planning; Police; Public Works; Senior Affairs; and Transit. Also included are the Enterprise Fund Capital Programs for the Departments of Aviation, Solid Waste and Public Works – Water/Wastewater Utility. And finally, the biennial Urban Enhancement Trust Fund program is a part of the Mayor s proposed program. Barbara Taylor, Staff Planner

14. OTHER MATTERS

DRB PRESENTATION TO EPC

PruWinrock Appeal 1/16/03

ON NOVEMBER 20,2002, THE DRB PERFORMED AN ADMINISTRATIVE, NON-DISCRETIONARY FUNCTION BY:

- **MAKING SURE THE DRB SUBMITTAL WAS THE SAME AS THE SITE PLANS SUBMITTED TO EPC IN OCTOBER 1998 WITH ANY ADJUSTMENTS NECESSARY TO FULFILL EPC'S CONDITIONS**

- **MAKING SURE THE APPLICANT'S SUBMITTAL TO DRB MET ALL OF THE CONDITIONS IMPOSED BY EPC IN OCTOBER 1998.**

- **PERFORMING FINAL SIGN OFF ONCE ALL THOSE CONDITIONS WERE MET.**

1st EPC Appeal

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION

AGENDA NUMBER: 02
ENVIRONMENTAL PLANNING COMMISSION
JANUARY 16, 2003

02EPC-01836 (SBP) 02EPC-01837 (SPS) **Project # 1002337** 02DRB-01708 (SBP) 02DRB-01710 (SPS)	Rodey Dickason Sloan Akin & Robb PA, Michelle Henrie, appeals the Development Review Board's approval of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL**, zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) **Bob Paulsen, EPC Case Planner.**

DEVELOPMENT REVIEW BOARD'S COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION JANUARY 16, 2003:

Request Summary:

This is an appeal of the November 20, 2002, Development Review Board action approving the Site Development Plan for Building Permit and the Site Development Plan for Subdivision for all or a portion of Tract A, Monroe Junior High School site, located on Louisiana Boulevard, NE, between Indian School Rd, NE and Interstate 40 containing approximately 12 acres.

The appellant is PruWinrock, LLC, represented by Rodey Dickason Sloan Akin and Robb, PA. Michelle Henrie acted as spokesperson for the agent.

Background:

On October 15, 1998, the EPC approved the two site plans and delegated final sign off to DRB with responsibility of making sure all EPC conditions were met. The EPC's approval of the two site plans was appealed to the City Council. The EPC also acted to recommend approval of an Uptown Sector Plan amendment to City Council with the addition of a housing component. In February 1999. the City Council upheld the EPC's approval of the site plans and approved the Sector Plan amendment, consistent with the EPC's recommendation.

Following the City Council's approval of these three requests, several neighborhood associations and the Prudential Insurance Company of America filed lawsuits against Tesch, the applicant at that time, and the City to undo the amendment to the Sector Plan and the approval of the two site plans. These lawsuits were combined into one. The New Mexico Court of Appeals dismissed the lawsuit in January 2001 and entered the mandate in March 2001 which finalized the process.

On November 13, 2002, Herb Denish and Associates, Inc, agent for Hunt Uptown II, LLC, current owners of the Monroe Site, presented the EPC approved Site Development Plan for Subdivision and the Site Development Plan for Building Permit to DRB for final signoff. The case was deferred to November 20, 2002 to allow the applicant time to remove Tract A of the Monroe Site from the pending submittal of adjacent property for action by the EPC on December 5, 2002.

By way of letter to the Planning Department dated November 15, 2002, Tract A of the Monroe Site was removed from the adjacent Hunt Uptown II project, thus making it possible for the DRB to act on the site plans for the Monroe Site.

On November 20, 2002, the two site development plans were again before DRB for final sign off. The DRB members provided comments on the two submittals, with the Board approving the plans. Final signoff was delegated to City Engineer, Transportation Development & Planning. Planning requested delegation to see what action the EPC would take on Conditions 15 and 21. These conditions needed EPC action to be satisfied. City Engineer requested delegation for execution of a Subdivision Improvements Agreement. Transportation Development requested delegation for verification of compliance with EPC conditions.

Appeal:

The Appellant lists four reasons for this appeal.

1. *Pursuant to the Uptown SDP, the DRB did not have jurisdiction over final sign off on the revised Site Plans.*

The language in Section 3, H(11) of the Uptown Sector Plan requiring re-approval of those portions of Site Development Plans showing structures that have not obtained building permits within two years of site plan approval is not applicable for these reasons:

- Although the site plans in question were originally approved on October 15, 1998 by EPC, the EPC approvals were appealed to the City Council. Final City Council approval of the site plans and the associated amendments to the Uptown Sector Plan did not occur

until February of 1999. Clearly, DRB had no jurisdiction over these plans until the appeal process and the issue of Sector Plan amendments were finalized.

- The lawsuits filed in 1999 by the Prudential Insurance Company of America and several neighborhood associations provided another "stay" of the two year building permit limitation imposed by the Uptown Plan. To begin construction of the site with litigation pending made no sense and could lead to further litigation.
- The New Mexico Court of Appeals resolved the issue in writing on March 14, 2001 by entering the mandate after dismissing the appeal earlier. It is the City's position that the two year clock began on March 14, 2001.
  - The City's position is that the two year sunset deadline had not expired because pending litigation acted as a "stay". Therefore, DRB did have final sign off authority on these site plans when the application was heard on November 20, 2002 assuming all EPC conditions were met.

2. Also, pursuant to the EPC's condition of approval, the DRB did not have jurisdiction over final sign off on the Site Plan for Building Permit.

- It is the City's position that a certain design related conditions including Conditions #15 &21, were not satisfied at the time of the November 20, 2002, DRB hearing. Even though DRB conditionally approved the site plans at this hearing, final sign off could not occur until after the EPC December 5, 2002, meeting. Final sign off was completed on January 7, 2003, the point at which all required DRB signatures were placed on the plans.

3. Even though the DRB had jurisdiction over final sign off on the revised Site Plans, it erred in allowing final sign off before the Applicant met all conditions of EPC approval.

- It is the City's position that, when final DRB sign off occurred on January 7, 2003, all EPC conditions were met.

4. Even if the DRB had jurisdiction over final sign off on the revised Site Plans, it erred by accepting the revised Site Plans as "minor" and by acting on those site plans without properly noticing the action.

- The public hearing and appellant's public notification took place at EPC when the site plans were originally approved. Moreover, the appellant was present at the DRB hearing and provided verbal comments.
- The DRB's non-discretionary function in this case was to review the list of conditions imposed on the site plans by EPC and make sure they were all satisfied before signing off on the site plans.

- The City's case tracking system assigns the terms "major" or "minor" to applications in reference to whether advertised public notification is required. These terms should not be confused with definitions provided in the City Zoning Code or Subdivision Ordinance. "Minor" cases, such as the ones in question, do not require additional notification beyond that provided at the EPC level.

Summary/Findings:

Under Section 14-14-8-3 of the Subdivision Ordinance, the basis for an appeal of DRB action is one or more of the following:

- Error in applying adopted city plans, policies, and ordinances in arriving at the decision;
- Error in the appealed action or decision, including its stated facts;
- Error in acting arbitrarily or capriciously or being manifestly abusive of discretion.

Appellant appears to claim in their four bases of appeal that there was error in applying City plans, policies and ordinances. There was no error by the City in applying it's plans, policies or ordinances for these reasons:

- The DRB had jurisdiction over final sign off because the approval time for the site plans had not expired.
- Final DRB sign off did not occur until all EPC conditions were satisfied.
- DRB sign off was properly done pursuant to public notification procedures. The public hearing and public notification took place at EPC when the site plans were originally approved.

RECOMMENDATION: **DENIAL OF Appeal Application 02EPC-01836 (SBP) and 02EPC-01837 (SPS) Project #1002337**, Application #02-01708 *and* Application #02-01710 based on the preceding Summary/Findings.

Roger Green

Roger Green, Acting Chair
Development Review Board

DRB Response
To
PruWinrock 1/16/03 EPC Appeal

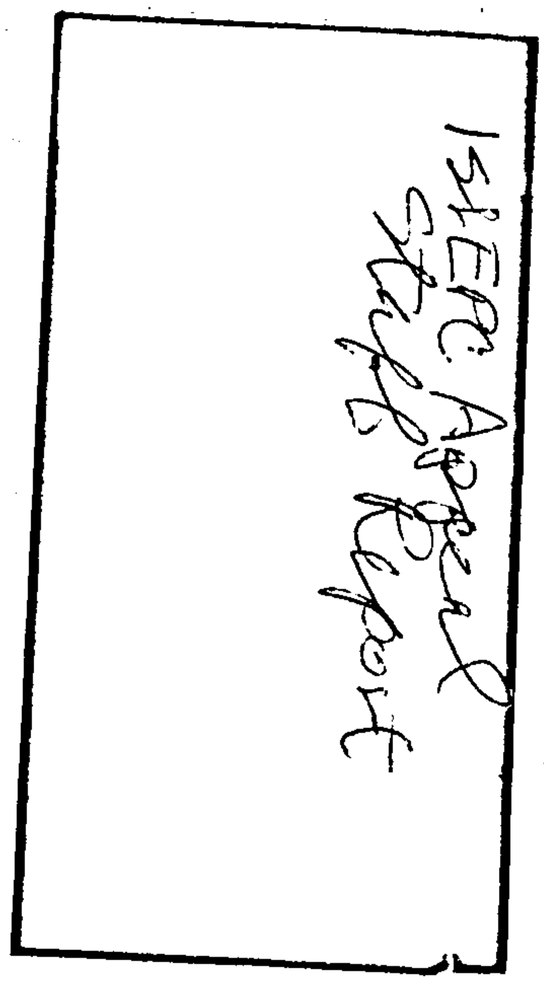


Table of Contents

1. Response to Appeal 1-4

2. Appeal by PruWinrock 5-25

3. Hunt Uptown II Information
   - Application to DRB (Site Plans Agenda Attachment) 26-30
   - 11/5/02 Letter /Request Final DRB Sign Off 31-39
   - 12/2/02 Letter to EPC/ EPC Conditions#15 & 21 40-41
   - 1/9/03 Letter to EPC/ Response to Appeal 42-58

4. 11/20/02 DRB Action Sheet 59-67

5. DRB Public Hearing Legal Ad for 1/16/03 EPC Appeal 68

6. Memoranda from Bob Paulsen
   - 11/12/02 Deferral Recommendation 69
   - 11/19/02 Comments on Project Submittal 70-74
   - 12/03/02 EPC Review of Conditions 15 & 21 75-76
   - 12/18/02 Final Comments to DRB 77

7. PruWinrock Letters
   - 11/12/02 Requesting DRB Deferral 78-80
   - 11/19/02 Requesting DRB Remand to EPC 81-84

8. DRB Minutes: November 13th & 20th, 2002 85-106

9. 1/7/03 Letter of DRB Sign Off to Hunt Uptown II LLC 107-108

10. 1/9/03 Letter to PruWinrock/EPC Appeal Date 109

11. EPC Minutes for December 5, 2002 110-162

12. EPC Official Notification of Decision 10/16/98 163-170

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

Supplemental form

SUBDIVISION S
- ☐ Major Subdivision action
- ☒ Minor Subdivision action
- ☐ Vacation V
- ☐ Variance (Non-Zoning)

SITE DEVELOPMENT PLAN P
- ☐ ...for Subdivision Purposes
- ☐ ...for Building Permit
- ☐ IP Master Development Plan
- ☐ Cert. of Appropriateness (LUCC) L

Supplemental form

ZONING Z
- ☐ Annexation & Zone Establishment
- ☐ Sector Plan
- ☐ Zone Change
- ☐ Text Amendment

APPEAL / PROTEST of... A
- ☒ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: PruWinrock, LLC
c/o Rodey Dickason Sloan Akin & Robb, PA (Michelle Henrie) PHONE: 505-768-7394
ADDRESS: P.O. Box 1888 FAX: 505-768-7395
CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: mhenrie@rodey.com
Proprietary interest in site: Owner of adjacent property

AGENT (if any): Rodey Dickason Sloan Akin & Robb, PA (Michelle Henrie) PHONE: 505-768-7394
ADDRESS: P.O. Box 1888 FAX: 505-768-7395
CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: mhenrie@rodey.com

DESCRIPTION OF REQUEST: Appeal of DRB decision on Nov. 20, 2002 re: Project No. 1002337, Case Nos. 02DRB-01708 and 02DRB-01710
Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☒ No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract A Block: ____ Unit: ____
Subdiv. / Addn. Monroe Junior High School
Current Zoning: SU-3 Inside & Outside Intense Core Proposed zoning: No Change
Zone Atlas page(s): J-19 No. of **existing** lots: 1 No. of **proposed** lots: 3
Total area of site (acres): 11.75/ 9.6 Density if applicable: dwellings per gross acre: 2 dwellings per net acre: 3
Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? No
UPC No. 1-019-058-048-497-2-04-14 MRGCD Map No. N/A
LOCATION OF PROPERTY BY STREETS: On or Near: Louisiana Blvd., NE
Between: Indian School Rd., NE and Interstate 40

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Z-98-123, Z-96-119, 00EPC-01154, 02EPC-01472

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☐. Date of review: ____

SIGNATURE _____ DATE 12/3/02

(Print) Michelle Henrie ☐ Applicant ☒ Agent

FOR OFFICIAL USE ONLY Form revised September 2001

- ☑ INTERNAL ROUTING
- ☑ All checklists are complete
- ☑ All fees have been collected
- ☑ All case #s are assigned
- ☑ AGIS copy has been sent
- ☐ Case history #s are listed
- ☑ Site is within 1000ft of a landfill
- ☑ F.H.D.P. density bonus
- ☑ F.H.D.P. fee rebate

Application case numbers		Action	S.F.	Fees
02EPC	-01836	AP SDP/BP	A	$ 190.00
02EPC	-01837	AP SDP/SD	A	$ 190.00
	- APPEAL NOTIFICATION		FEE	$ 50
	- -			$
	- -			$
				Total $ 430.00

Hearing date 1-16-03

B Derbert 12/3/02
Planner signature / date

Project # 1002337

5

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:
☐ DECISION OF THE ZONING HEARING EXAMINER

Appeal to the Landmarks and Urban Conservation Commission regarding:
☐ CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

Appeal to the Environmental Planning Commission regarding:
☐ ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
☐ DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER
☒ DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD

Appeal to the City Council regarding:
☐ DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
☐ ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
☐ DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

☒ Project number of case being appealed; 1002337

☒ Application number of case being appealed; 02DRB-01708; 02DRB-01710

☒ Reason for the appeal *
☒ Appellant's basis of standing as an appellant *
☒ Letter of authorization from the appellant if this application for appeal is submitted by an agent
☒ Copy of the Official Notification of Decision regarding the matter being appealed
☒ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in *Zoning Code §14-16-4-4*. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

MICHELLE HENRIE
Applicant name (print)

12/3/02
Applicant signature / date

Form revised September 2001

☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☑ Related #s listed

Application case numbers
02EPC - 01836
02EPC - 01837
- -

Planner signature / date 12/03/03

Project # 1002337

6

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
WILLIAM S. DIXON
JOHN P. BURTON
REX D. THROCKMORTON
JONATHAN W. HEWES
RICHARD C. MINZNER
W. ROBERT LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG

CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
R. TRACY SPROULS
KARLA K. POE
ALAN HALL
BRIAN H. LEMATTA
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
DIANA V. SANDOVAL
BRENDA MALONEY
MATTHEW S. WERMAGER
LARRY J. MONTAÑO

)EY, DICKASON, SLOAN, AKIN & RC P. A.
COUNSELORS AND ATTORNEYS AT LAW
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WEB-SITE: WWW.RODEY.COM
E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
DONALD B. MONNHEIMER
JULIE P. NEERKEN
ROBERT G. McCORKLE
PABLO PRANDO

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER
505-768-7394
mhenrie@rodey.com

December 3, 2002

Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd St. NW, 2nd Floor
Albuquerque, New Mexico

Re: Appeal of DRB decision dated November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC.

Dear Environmental Planning Commissioners:

This firm represents PruWinrock, LLC, the owner of Winrock Shopping Center. PruWinrock, LLC is appealing the above-referenced decision of the Development Review Board. PruWinrock, LLC owns property within 300 feet of the above referenced property.

We enclose with this letter the following:

1. Development Review Application
2. Appeal (Form A)
3. A check for $ 430 as a filing fee.
4. "Reasons for the Appeal," which includes:
   a. Appellants' basis of standing, and
   b. A copy of the DRB Action Sheet (no Notice of Decision was issued for this matter).

5. A letter of authorization.

Very truly yours,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By
Michelle Henrie

MH/cw
Enclosures as stated

cc (via hand delivery):

Members of the Environmental Planning Commission:
Susan Johnson, Vice Chair
Elizabeth Begay
John Briscoe
Larry Chavez
Jeffrey Jesionowski
Mick McMahan
Bevin Owens
Camilla Serrano
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
John P. Salazar, Esq.
Lawrence S. Kline, Herbert M. Denish & Associates, Inc.
John A. Myers, Esq.
John J. Kelly, Esq.

cc (via mail):

Councillor Sally Mayer
Jay Czar CAO
Ted Asbury PE
Victor Chavez PE
Bob White, Esq.
David Suffling, Esq.
Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
Charles E. Miller, Prudential Real Estate Investors
Shelton Weeks, Manager, Prizm Partners
Members of Uptown Neighborhood Associations:
Bill Sterchi

Lynn Tabor
Stephen Verchinski
Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil
Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Dorothy Finaldi
Rick Paul
Tom Joule
Richard Peterson
John Kinney
Nicholas Wees
Virginia Emmett

Randy Sanchez, General Manager, Coronado Center

Prudential Financial

Charles Miller
Principal

Prudential Real Estate Investors
Two Ravinia Drive, Suite 1400, Atlanta GA 30346
Tel 770 395-8620 Fax 770 395-8454
charles.miller@prudential.com

Re: Appeal of DRB decision dated November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

To whom it may concern:

PruWinrock, LLC, owner of the Winrock mall, hereby authorizes Rodey, Dickason, Sloan, Akin & Robb, P.A., to act as its agent for all purposes relating to appeal of the above-referenced decision and matters relating thereto.

Sincerely,

PruWinrock LLC, a Delaware
Limited Liability Company

By: The Prudential Insurance Company of America,
A New Jersey corporation, its sole member and
Manager

Charles E. Miller
Principal

REASONS FOR THE APPEAL

Appeal of DRB decision dated November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

PruWinrock, LLC ("PruWinrock"), the owner of Winrock Shopping Center, hereby appeals the November 20, 2002 decision by the Development Review Board ("DRB") to perform final sign off for the above referenced Minor Site Plan for Building Permit and Minor Site Plan for Subdivision. Both Site Plans are for a 9.63 acre vacant tract of land in the Uptown area of Albuquerque that was the former site of the Monroe Junior High School, now known as the "Monroe site." The Monroe site is northwest of and adjacent to the Winrock Shopping Center. The Monroe site is included within the boundaries of the Uptown Sector Development Plan ("Uptown SDP"). Under the Uptown SDP, the Monroe site is zoned SU-3 for the Uptown Urban Center, Inside the Intense Core and SU-3 for the Uptown Urban Center, Outside the Intense Core. The DRB's action is described in the attached Action Sheet labeled Exhibit A. No Notice of Decision was issued.

Basis for Standing

PruWinrock has standing to bring this appeal because it owns property within 300 feet of the Monroe site and is imminently threatened with injury as a result of the DRB's decision. Albuquerque, N.M., Code of Ordinances ("Zone Code") § 14-16-4-4 (B)(2)(c) and De Vargas Savings & Loan Ass'n v. Campbell, 87 N.M. 469, 472, 535 P.2d 1320, 1323 (1975) (appellants must be injured in fact or imminently threatened with injury, economically or otherwise).

Background

The Monroe site has been vacant since the early 1980s. In 1998, the site was acquired by several local investors ("the Tesch group"). The Tesch group submitted both a Site Plan for Building Permit and a Site Plan for Subdivision to the EPC in August of 1996. The project became known as "Uptown Spectrum I." These plans were eventually approved by EPC in May of 1997 and withstood appeal. However, the Tesch group never submitted these plans to the DRB for final sign off.

In August of 1998, the Tesch group submitted a different project, the "Uptown Spectrum II" project, to the EPC for review. This submittal package included a Site Plan for Building Permit, a Site Plan for Subdivision, and a Sector Development Plan amendment. On October 15, 1998, the EPC approved the Site Plans and recommended approval of the Sector Development Plan amendment with the addition of a housing component. City Council approved the Sector Development Plan amendment in February of 1999. However, the Tesch group never submitted the Site Plans to DRB for final sign off.

In the summer of 2002, Hunt Uptown II, LLC, the current owner of the Monroe site, together with Hunt Uptown, LLC, the owner of the large, vacant, adjacent tract to the north (known as the St. Pius site), publicly unveiled a project integrating the two sites called "ABQuptown." In connection with this project, the Hunt entities submitted a Site Plan for Subdivision and Sector Development Plan amendment. Before the EPC had an opportunity to review the ABQuptown project at a public hearing, Hunt Uptown II, LLC, revised the old 1998 Uptown Spectrum II project Site Plans and submitted them to the DRB for final sign-off. In other words, Hunt Uptown LLC took the position that after four years of limbo, the Site Plans could be revived intact and the process could be reinstated where it left off. On November 20, 2002, the DRB reviewed the revised Site Plans. As stated in the DRB Action Sheet, the revised Site Plans "were approved with final sign off delegated to the City Engineer, Transportation Development and Planning."

Reasons for the Appeal

1. Pursuant to the Uptown SDP, the DRB did not have jurisdiction over final sign off on the revised Site Plans.

Section 3 of the Uptown SDP applies to all property zoned SU-3, both within and outside of the Intense Core. Subsection H(11) on page 25 of the Uptown SDP states "The portions of site development plans showing structures that have not obtained building permits within two years of site plan approval shall be void, but may be reapproved following standard procedure."

The EPC approved these on October 15, 1998. Building permits were not obtained for any portion of the Uptown Spectrum II project within two years of the Site Plan approvals. Thus the Uptown Spectrum II plan became void on October 15, 2000. The DRB never had jurisdiction over final sign off on the Uptown Spectrum II plans because these plans needed to be reapproved through the standard procedure prior to DRB final sign off.

2. Also, pursuant to the EPC's conditions of approval, the DRB did not have jurisdiction over final sign off on the Site Plan for Building Permit.

The original Applicant for the Uptown Spectrum II project did not propose any housing for the site. On October 15, 1998, the EPC expressly added the housing requirement as a condition of approval. It also concurrently caused the Uptown Plan to be amended to include a housing component as a second step in ensuring that housing would be incorporated into this project. As a third step, the EPC retained jurisdiction over the project. Condition Number 21 to the Site Plan for Building Permit states that "[t]he revised site plan shall be submitted to the EPC site plan review committee for final approval *prior to DRB submittal*." (Emphasis added). Even though EPC's delegee, the site plan review committee, no longer exists, the EPC still does. Until it reviewed the revised site plans, the DRB had no jurisdiction over final sign off on the Site Plan for Building Permit.

3. Even if the DRB had jurisdiction over final sign off on the revised Site Plans, it erred in allowing final sign off before the Applicant met all conditions of EPC approval.

The October 15, 1998 approval by the EPC included several pages of conditions. The DRB seemed to believe that all of these conditions had been met. They have not.

Two conditions of approval required re-review by an EPC subcommittee. Condition Number 15 to the Site Plan for Building Permit references architectural integration of restaurants into the site. There is no indication that any efforts have been made towards developing guidelines for architecturally integrated the restaurants into the site. Yet the DRB did not wait for the Applicant to submit the specific guidelines before taking action.

Condition Number 21 to the Site Plan for Building Permit, which is mentioned above, required the revised Site Plan for Building Permit to be submitted to the EPC site plan review committee. The DRB should not have acted on the final sign off until the EPC reviewed the revised Site Plans. The condition did not limit review to the housing component only or a few applicable pages of the Site Plan for Building Permit– which is what the DRB seems to have remanded to EPC for hearing on December 5, 2002. Rather, the condition requires review of the entire revised site plan, presumably to see whether and how the housing component has been integrated into all aspects of the project– from parking to pedestrian circulation to the physical design features. Further, the conditions expressly state that this review shall be accomplished

prior to the DRB submittal. It was not.

A third condition of approval, Condition Number 1(B) to the Site Plan for Subdivision, was the requirement that the owners of the Monroe site and the Winrock property come to an agreement about the Loop Road. They have not. The Applicant claims it can rely on a separate agreement among the owners of the Winrock property and third parties to which it is neither a party nor a beneficiary. It cannot.

A fourth condition, Condition Number 1(A) to the Site Plan for Subdivision, related to the Traffic Impact Study ("TIS"). It stated: "A TIS has been performed for this request. An update of the TIS / AQIA to reflect changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan." The "changes in land use intensities" and "approved as amended land uses" can only mean the housing component added by the EPC. Yet, despite this directive, the Applicant did not update the TIS to include the housing component. By contrast, the Applicant's agent submitted a letter on November 4, 2002, to Tony Loyd stating "This is to confirm that the land uses described in the September 30, 1998 letter from Albert Thomas of Bohannan Huston, Inc. to Joe David Montano of Transportation Development *are identical to those currently proposed for the Spectrum II site.*" The uses are not identical. They now include a housing component, and EPC directed that the housing component be reflected in an updated TIS. Based on the EPC transcript from October 15, 1998, it appears the members believed that integrating of housing into the site would improve the air quality situation of the site. Nevertheless, they asked for proof. We'll never know if they were correct in their theory because the Applicant never submitted the changes to the Transportation Department.

4. Even if the DRB had jurisdiction over final sign off on the revised Site Plans, it erred by accepting the revised Site Plans as "Minor" and by acting on those Site Plans without properly noticing the action.

The 1998 Site Plan approvals were for Site Plans, not for "Minor" Site Plans. However, in 2002, the Applicant styled its revised Site Plans as "Minor" Site Plans. The City's Zoning Code nowhere identifies what a "Minor" Site Development Plan is.

The Zoning Code does identify a "Minor" Subdivision as one that does not require installation of any significant infrastructure. (§14-14-1-6, Definition of "Subdivision, Minor"). The Applicant's infrastructure lists show a new traffic signal, modifications to an existing traffic

signal, seven turn lanes, two bus bays, and yards of sewer, water, and storm drain improvements. The new traffic light alone constitutes "significant infrastructure." Hence, the revised Site Plan for Subdivision was not for a "Minor" Subdivision.

The Zoning Code also uses the word "minor" in connection with changes to an approved site development plan. "Minor" changes are those in which (1) the buildings retain the same general configuration, (2) the total building square footage does not increase by more than 10%, (3) the vehicular circulation has the same general effect, and (4) neither the City nor any person will be substantially aggrieved by the altered plan– not the alteration, but the "altered plan." §14-16-2-22(A)(6) and §14-16-3-11(C)(2)(c). If the changes are not "minor," they must be approved by the EPC, not the Planning Director. Id. And if there "might be a person substantially aggrieved by the altered plan or if the total building square footage would be increased by more than 2%," the Planning Director must mail notice to neighborhood associations and adjacent property owners. §14-16-2-22(A)(6).

In 2002, the Applicant submitted revised Site Plans to the DRB. Among other changes, these revised Site Plans incorporated a new housing component. The housing was added to the total building square footage shown on the approved Site Plans. The revised Site Plans do not state the square footage of the new housing units, so there was no way for the Planning Director or DRB to know whether the total building square footage would be increased by more than 2%. Based on the scale of the revised Site Plan drawings, the new housing units do increase the total building square footage by more than 2%. The City should have mailed notice about this change to neighborhood associations and adjacent property owners. It did not.

These revised Site Plans are not "Minor" Site Plans. Furthermore, the revised Site Plans included changes from the approved Site Plans. Changes trigger an amendment process under the Zone Code. The Zone Code nowhere excepts from the amendment process changes made pursuant to the directive of EPC. Because the changes were not "minor" amendments, they should have been properly noticed.

Conclusion

For these reasons, PruWinrock respectfully asks the Environmental Planning Commission to reverse the decision of the DRB.

Planning Department
Development Review Board Agenda/Action

DEVELOPMENT REVIEW BOARD
ACTION SHEET

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

November 20, 2002 9:00 a.m.
MEMBERS:

Roger Green, Acting DRB Chair
Claire Senova, Administrative Assistant

Richard Dourte, Transportation Development
Brad Bingham, Alternate City Engineer
Sheran Matson, Planning
Christina Sandoval, Parks & Recreation

****

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946 (VOICE) OR TELETYPEWRITER (TTY) 924-3361 - TTY USERS MAY ALSO ACCESS THE VOICE NUMBER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE BOARD SECRETARY MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. **Call to Order: 9:00 A.M.** **Adjourned: 12:12 P.M.**
B. Changes and/or Additions to the Agenda
C. Announcements

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

16

EXHIBIT
tabbies
A

1. **Project # 1001594**
02DRB-01621 Major-Bulk Land Variance
02DRB-01622 Major-Vacation of Pub Right-of-Way
02DRB-01623 Minor-Prelim&Final Plat Approval

COMMUNITY SCIE..ES CORPORATION agent(s) for INVESTMENTS & CONSTRUCTION request(s) the above action(s) for UNPLATTED TRACTS, **SALAZAR & DAVIS TRACTS,** zoned MULTIPLE, SEE RIO BRAVO SECTOR DEVELOPMENT PLAN, located SOUTH AND EAST OF CARTAGENA AVE SW, between DELGADO DR SW (IF EXTENDED SOUTH) and SNOW VISTA DIVERSION CHANNEL containing approximately 300 acre(s). [REF: 01500-01652, 01792 SK, Z-99-58] (N-9) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO TRANSPORTATION.**

2. **Project # 1002033**
02DRB-01655 Major-Vacation of Public Easements

HARRIS SURVEYING INC. agent(s) for BEALHEN CONSTRUCTION request(s) the above action(s) for all or a portion of Lot(s) 10, **SANDIA GLO SUBDIVISION,** zoned R-D residential and related uses zone, developing area, located on SANDIA GLO CT NE, between CORONADO AVE NE and KARAK RD NE containing approximately 1 acre(s). [REF: 02EPC-01195, 02DRB-00935, V-97-138, S-99-39] (D-21) **THIS VACATION ACTION WAS REMANDED BACK TO DRB FROM EPC. VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

3. **Project # 1002315**
02DRB-01650 Major-Preliminary Plat Approval
02DRB-01651 Major-Vacation of Pub Right-of-Way
02DRB-01652 Major-Vacation of Public Easements
02DRB-01653 Minor-Temp Defer SDWK
02DRB-01654 Minor-Sidewalk Waiver

BOHANNAN HUSTON, INC. agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **THE WILDERNESS @ HIGH DESERT,** zoned SU-2, HD, R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND, containing approximately 73 acre(s). [REF: 02DRB-01646] [DEFERRED FROM 11/20/02, PP, TDS, SW) (F-23) **THE VACATION (02-01651) FOR ITEM 4 WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE VACATION OF THREE DIFFERENT EASEMENTS (02-01652) WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION: THE VACATION OF EASEMENT 30 IS APPROVED WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT APPLICATION # 02-01653**

APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION: THE VACATION OF EASEMENT 30 IS APPROVED WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT, APPLICATION # 02-01653, FOR TEMPORARY DEFERRAL OF SIDEWALKS AND APPLICATION # 02-01654 FOR SIDEWALK WAIVER WERE DEFERRED AT THE AGENT'S REQUEST TO 12/4/02.

4. **Project # 1002318**
02DRB-01649 Major-Bulk Land Variance
02DRB-01656 Minor-Prelim&Final Plat Approval

BOHANNAN HUSTON INC agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **HIGH DESERT, (to be known as THE WILDERNESS @ HIGH DESERT,** zoned SU-2 / HD R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND containing approximately 73 acre(s). (F-23) **BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS WITHDRAWN AT THE AGENT'S REQUEST.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)

NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

5. **Project # 1000226**
02DRB-01739 Minor-SiteDev Plan BldPermt/EPC

DORMAN-BREEN ARCHITECTS agent(s) for CROSS OF HOPE LUTHERAN CHURCH request(s) the above action(s) for all or a portion of Tract(s) S-1-B, **TAYLOR RANCH,** zoned SU-1 special use zone, for church & related facilities, located on TAYLOR RANCH DR NW, between MONTANO RD. NW and KACHINA ST. NW containing approximately 4 acre(s). [REF: Z-80-74-2, 02EPC-01349] **[Juanita Vigil, EPC Case Planner]** (E-11) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT AND TRANSPORTATION DEVELOPMENT.**

TRANSPORTATION /ELOPMENT.

6. **Project # 1001124**
02DRB-01734 Minor-SiteDev Plan
BldPermit/EPC

PHILIP PELZMAN agent(s) for CHRIST LUTHERAN CHURCH & SCHOOL request(s) the above action(s) for all or a portion of Lot(s) 40, Block 40, **BROAD ACRES,** zoned SU-1 Church & related facilities, located on PENNSYLVANIA NE, between CANDELARIA NE and LOUISIANA NE containing approximately 5 acre(s). [REF: Z-96-1, DRB-96-219, 01410-00357 (VPE), ZA-68-71-1] **[Debbie Stover, EPC Case Planner]** (G-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT AND PLANNING.**

7. **Project # 1001565**
02DRB-01713 Minor-SiteDev Plan
BldPermit/EPC

GREAT BASIN ENGINEERING agent(s) for SMITH'S FOOD & DRUGS request(s) the above action(s) for all or a portion of Tract(s) J-1, **REPLAT OF FOUR HILLS SHOPPING CENTER AND APARTMENT COMPLEX,** zoned C-2 community commercial zone, SHOPPING CENTER SITE, located on TRAMWAY BLVD SE, between CENTRAL AVE SE and WENONAH AVE SE containing approximately 9 acre(s). [REF: 01EPC-01544, ZA-96-146, ZA-92-93, V-89-88, Z-84-124-1] **[Debbie Stover, EPC Case Planner]** (L-22/23) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING.**

8. **Project # 1002324**
02DRB-01741 Minor-SiteDev Plan
BldPermit
02DRB-01742 Minor-SiteDev Plan
Sub

KEN HOVEY agent(s) for MOCHO,OLSON, CHANEY & MOCHO LLP request(s) the above action(s) for all or a portion of Block(s) 4, Tract(s) 7-A, Unit B, **NORTH ALBUQUERQUE ACRES,** (to be known as **VENICE BUSINESS CENTER,** zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**

Sub

BUSINESS CEN , zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**

9. **Project # 1002337**
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC
02DRB-01710 Minor-SiteDev Plan Subd/EPC

HERB DENISH AND ASSOCIATES, INC. agent(s) for UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING. THE INFRASTRUCTURE LIST DATED 11/20/02 WAS APPROVED.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

10. **Project # 1001558**
02DRB-01714 Minor-Prelim&Final Plat Approval

BURTON ENGINEERS INC. agent(s) for CORONADO PARK LTD. request(s) the above action(s) for all or a portion of Tract(s) A, **CORONADO VILLAGE,** zoned SU-2 MUD, located on the northwest corner intersection of I-25 and PASEO DEL NORTE NE containing approximately 58 acre(s). [REF: 01420—01520 (VPE on 11/14/01) (C-17) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO CITY ENGINEER AND TRANSPORTATION DEVELOPMENT.**

11. **Project # 1002221**
02DRB-01738 Minor-Amnd Prelim Plat Approval

BOHANNAN HUSTON, INC. agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) J, VENTANA RANCH, **VITTORIA SUBDIVISION @ VENTANA RANCH,** zoned R-2, located on PASEO DEL NORTE NW, between UNIVERSE BLVD NW and PARADISE BLVD NW containing approximately 21 acre(s). [REF: 02DRB-1563] (B-10) **THE AMENDED PRELIMINARY PLAT WAS APPROVED AND THE AMENDED GRADING PLAN ENGINEER STAMP DATED 11/12/02 WAS APPROVED. THIS AMENDMENT DOES NOT EXTEND THE EXPIRATION DATE OF THE APPROVED PRELIMINARY PLAT.**

12. **Project # 1002324**
02DRB-01740 Minor-Prelim&Final Plat Approval

ISAACSON & ARFMAN, PA agent(s) for MOCHO, OLSON, CHANEY & MOCHO, LLP. request(s) the above action(s) for all or a portion of Lot(s) 7A, Tract(s) A, Block 4, Unit B, **NORTH ALBUQUERQUE ACRES,** zoned IP, located on BEVERLY HILLS AVE NE, between VENICE AVE NE and I-25 containing approximately 6 acre(s). [REF: 00410- 01540, 02-01670 (SK)] (B-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

13. **Project # 1000267**
02DRB-01555 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST, LTD. agent(s) for BILL WADE / UPWEST CORP. request(s) the above action(s) for all or a portion of Lot(s) 13 & 14, **BREEZE @ SOUTH PEAK,** zoned R-3 residential zone, located on OCEAN BREEZE DR NE, between CHELWOOD PARK BLVD. NE and EASTRIDGE DR. NE containing approximately 1 acre(s). [REF: 02DRB-00954 SIA, 00460-00223 SK,00440-01100 FPA,00410-00399] [INDEFINITELY DEFERRED FROM 10/23/02 AND 11/20/02] (J-22) **INDEFINITELY DEFERRED ON A NO SHOW.**

NO ACTION IS TAKEN ON THESE CASES:
IF APPLICANT IS NOT PRESENT, COMMENTS WILL BE FORWARDED

14. **Project # 1000390**
02DRB-01737 Minor-Sketch Plat or Plan

BOHANNAN HUS N agent(s) for LAS VENTANAS LIMITED PARTNERSHIP. request(s) the above action(s) for all or a portion of Tract(s) H, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the southeast corner of UNIVERSE NW and PARADISE BLVD NW containing approximately 16 acre(s). [REF: 01410-01495] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

15. **Project # 1002346**
02DRB-01735 Minor-Sketch Plat or Plan

BOHANNAN HUSTON agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) G, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the northeast corner of UNIVERSE BLVD NW and PARADISE BLVD NW and containing approximately 13 acre(s). [REF: DRB-96-6, (1000390)] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

16. **Project # 1001986**
02DRB-01715 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOC. agent(s) for RIO OESTE DEVELOPMENT, LLC request(s) the above action(s) for all or a portion of Tract(s) D & E, **TAYLOR RANCH,** zoned R-1 residential zone, located on the WEST SIDE OF COORS BLVD NW, between LA ORILLA RD NW and VILLA CORTA DEL SUR NW containing approximately 10 acre(s). [REF: 02EPC-00834, 02EPC-00835] (E-12) **THE ABOVE REQUEST WAS**

17. **Project # 1002342**
02DRB-01720 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOCIATES, PA agent(s) for MEL FAMIE, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-3, **CLYDE LELAND SUBDIVISION,** zoned R-T residential zone, located on ATRISCO DR NW, between LEGENDS AVE NW and WESTERN TRAIL NW containing approximately 3 acre(s). [REF: Z-85-138-502] (F-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. **Project # 1002345**
02DRB-01733 Minor-Sketch Plat or Plan

CLINT SHERRILL & ASSOCIATES agent(s) for GOLDEN VENTURES, LLC, ROBERT SHAFFER JR. request(s) the above action(s) for all or a portion of Lot(s) 3, Unit 1, **BROADWAY INDUSTRIAL CENTER,** zoned SU-2 special neighborhood zone, HM, located on the east end of SAN JOSE AVE SE, between KARSTEN CT SE and SOUTH I-25 containing approximately 14 acre(s). [REF: DRB-97-271, (1000131) 02DRB-00109] (M-14) **THE ABOVE REQUEST WAS REVIEWED AND**

19. **Project # 1002347**
02DRB-01736 Minor-Sketch Plat or Plan

RICHARD HUDSON agent(s) for LAUREANO MEDRANO request(s) the above action(s) for all or a portion of Lot(s) 36 & 37, Block B, **MONKBRIDGE ADDITION,** zoned M-1, located on HEADINGLY NW, between 2ND STREET NW and 1ST STREET NW containing approximately 1 acre(s). (G-15) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20. **Project # 1002002**
02DRB-01743 Minor-Sketch Plat or Plan

ADVANCED EN EERING & CONSULTING, LLC agent(s) for RETAIL DEVELOPMENT INC., LLC request(s) the above action(s) for all or a portion of **BEAR CANYON ARROYO, SAN MATEO DEL NORTE,** zoned C-3 heavy commercial zone, located WEST OF SAN MATEO BLVD NE, between OSUNA RD NE and ACADEMY RD NE containing approximately 5 acre(s). [LISTED AS PROJECT #1002348 WHICH WAS INCORRECT] (E-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

21. Approval of the Development Review Board minutes for 10/30/02 and 11/6/02. **THE MINUTES WERE APPROVED SUBJECT TO CHANGES BY THE BOARD.**

ADJOURNED: 12:12 P.M.

Comments to:

Joe McSorley
Planning Department
1 Civic Plaza NW
Albuquerque, NM 87103
(505)924-3861

EMAIL

(c) 2002 City of Albuquerque | Disclaimer | Privacy Statement

ONE STOP SHOP ••• FRONT COUNTER

City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)
LAND DEVELOPMENT COORDINATION SECTION (LDC)
Plaza Del Sol -2nd & 4TH Floor West - 600 2nd St NW 87102
Front Counter Main Number (505) 924-3858 or 924-3895
Main Fax (505) 924-3864

PAID RECEIPT

APPLICANT NAME Pru Winrock, LLC

AGENT Rodey Law Firm

ADDRESS P.O. Box 1888

PROJECT NO. 1002337

APPLICATION NO. Appeal SDP 4 BP 02136-01836 / Appeal SDP 4 SID 02136-01837

$ _____ 441006 / 4983000 (DRB Cases)

$ 190x2 441006 / 4971000 (EPC & AA / LUCC / Appeals)

$ 50 441018 / 4971000 (Notification)

$ 430.00 **Total amount due**

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.
COUNSELLORS AND ATTORNEYS AT LAW
201 3RD STREET N.W., SUITE 2200
P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103

Check No. **112310**

WELLS FARGO BANK, N.A.
ALBUQUERQUE, NM 87103

95-219
1070

Date: **December 3, 2002**

AMOUNT OF CHECK

***$430.00**

Four hundred thirty and 00/100 DOLLARS

PAY TO THE ORDER OF:
City of Albuquerque Planning & Zoning

By _____

By _____

TWO SIGNATURES REQUIRED IF AMOUNT OF CHECK IS $1000.00 or above

VOID AFTER 90 DAYS

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT ANGLE TO VIEW

⑈112310⑈ ⑆107002192⑆627 44962 6⑈

12/03/2002 3:01PM LOC:
RECEIPT# 00000823 WS# 007 TRANS# 00
Account 441006 Fund 0000
Activity 4971000 TRSCCS
Trans Amt 10/28/02 $430.00
J24 Misc $380.

counterreceipt.doc

25

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

	Supplemental form		Supplemental form
SUBDIVISION	**S**	**ZONING**	**Z**
☐ Major Subdivision action		☐ Annexation & Zone Establishment	
☐ Minor Subdivision action		☐ Sector Plan	
☐ Vacation	**V**	☐ Zone Change	
☐ Variance (Non-Zoning)		☐ Text Amendment	
SITE DEVELOPMENT PLAN	**P**	**APPEAL / PROTEST of...**	**A**
☒ ...for Subdivision Purposes		☐ Decision by: DRB, EPC, LUCC, Planning	
☒ ...for Building Permit		Director or Staff, ZHE, Zoning Board of	
☐ IP Master Development Plan		Appeal	
☐ Cert. of Appropriateness (LUCC)	**L**		

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Hunt Uptown II, LLC — PHONE: 915.533.1122
ADDRESS: 500 Marquette NW, Suite 350 — FAX: 915.298.4371
CITY: Albuquerque STATE NM ZIP87102 — E-MAIL: garys@huntbuilding.com
Proprietary interest in site: Owners

AGENT (if any): Herb Denish and Associates, Inc. — PHONE: 505.842.6461
ADDRESS: P.O. Box 2001 — FAX: 505-842-6471
CITY: Albuquerque STATE NM ZIP 87103 — E-MAIL: lsk@hmda.com

DESCRIPTION OF REQUEST: Site Development Plan DRB Final Sign Off for EPC Approved SDP for BP

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☒ No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract A — Block: ____ Unit: ____

Subdiv. / Addn. Monroe Junior Highschool

Current Zoning: Su3 Inside and Outside Intense Core — Proposed zoning: No Change

Zone Atlas page(s): J-19 — No. of **existing** lots: 1 — No. of **proposed** lots: 3

Total area of site (acres): 11.75 — Density if applicable: dwellings per gross acre: 2 — dwellings per net acre: 3

Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) — Within 1000FT of a landfill? No

UPC No. 1-019-058-048-497-2-04-14 — MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Louisiana Blvd. NE
Between: Indian School Rd NE and Interstate 40

CASE HISTORY: Bob Paulsen EPC Planner
List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Z-98-123

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☐. Date of review: ____

SIGNATURE _____ DATE 10/29/02

(Print) Lawrence S. Kline L — ☐ Applicant ☒ Agent

Form revised September 2001

FOR OFFICIAL USE ONLY

	Application case numbers	Action	S.F.	Fees
☑ INTERNAL ROUTING				
☑ All checklists are complete	02DEB-____-01708	750BP	____	$ 0
☑ All fees have been collected	02DEB-____-01710	750S	____	$ 0
☑ All case #s are assigned	____-____-____	____	____	$ ____
☐ AGIS copy has been sent	____-____-____	____	____	$ ____
☐ Case history #s are listed	____-____-____	____	____	$ ____
☑ Site is within 1000ft of a landfill				Total
☑ F.H.D.P. density bonus	Hearing date Nov. 13, 2002			$ 0
☑ F.H.D.P. fee rebate				

11-5-02
Planner signature / date

Project # 1002337

26

FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)

☐ **SKETCH PLAN REVIEW AND COMMENT**

- ☐ Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the request
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

☐ **SITE DEVELOPMENT PLAN FOR SUBDIVISION**

- ☐ Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the request
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Copy of the document delegating approval authority to the DRB
- ☐ Infrastructure List, if relevant to the site plan
- ☐ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☐ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

- ☐ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☐ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. **6** copies.
- ☐ Solid Waste Management Department signature on Site Plan
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the request
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Copy of the document delegating approval authority to the DRB
- ☐ Infrastructure List, if relevant to the site plan
- ☐ Completed Site Plan for Building Permit Checklist
- ☐ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
- ☐ Blue-line copy of Site Plan with Fire Marshal's stamp
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☐ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION**

☐ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

- ☐ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☐ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) Copies as needed above
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the request
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Infrastructure List, if relevant to the site plan
- ☐ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☒ **D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for SUBDIVISION**

☒ **D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for BUILDING PERMIT**

- ☒ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☒ Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☒ Solid Waste Management Department signature on Site Plan (not required for SDP for Subdivision) on original
- ☒ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☒ Letter carefully explaining how each EPC condition has been met **and** a copy of the EPC Notification of Decision
- ☒ Infrastructure List, if relevant to the site plan
- ☒ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
- ☒ Blue-line copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision) - on original
- ☒ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

LAWRENCE KLINE
Applicant name (print)

Applicant signature / date

Form revised September 2001

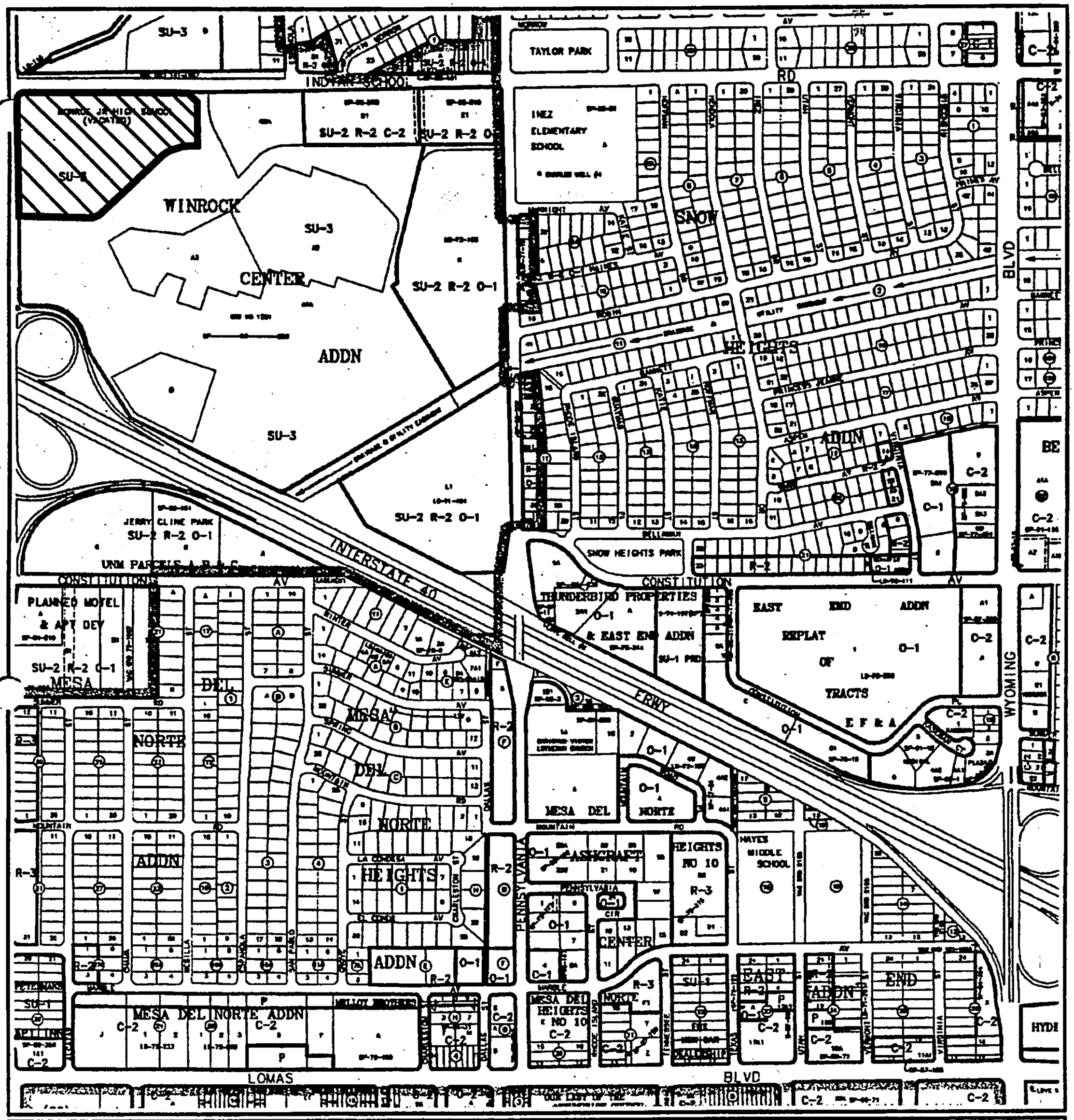
☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☑ Related #s listed

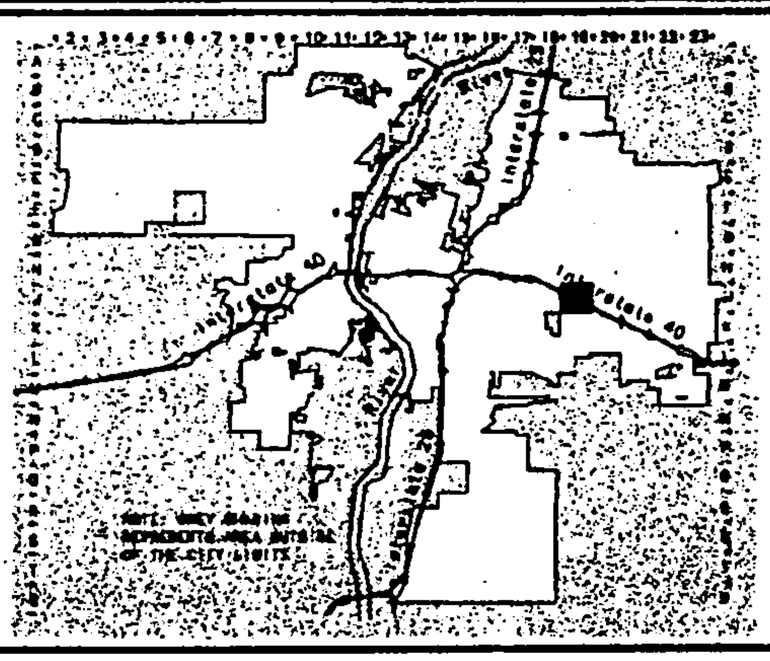
Application case numbers
02DRB-____-01708
02DRB-____-01710
____-____-____

27

Planner signature / date 11-5-01

Project # 1002337





CITY OF Albuquerque

A Municipal Geographic Information System

PLANNING DEPARTMENT

© Copyright 2001

GRAPHIC SCALE IN FEET

250 0 750 1000

Zone Atlas Page

J-19-Z

Map Amended through March 21, 2001

Current DRC Project No. _____

ORIGINAL (Yellow)

Date Submitted
Date Site Plan for Bldg Permit App 11/20/02
Date Site Plan for Sub. Approved: 11/20/02
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A

Figure 12

INFRASTRUCTURE LIST

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

DRB Project No. 1002337
Application No. 02DRB01708

UPTOWN SPECTRUM
(TRACT A MONROE JR. HIGH SCHOOL)

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which anse during construction which which are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SITE PLAN FOR BUILDING PERMIT

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
			PUBLIC ROADWAY IMPROVEMENTS						
		~~76'~~ 78' F - F	ARTERIAL PVMT. BOTH 15' SIDWALK ~~WEST~~ SIDES STANDARD C&G, WEST SIDE MEDIAN CURB AND GUTTER	UPTOWN LOOP ROAD	~~INDIAN SCHOOL~~ LOUISIANA	~~WINROCK ENTRANCE~~ INDIAN SCHOOL	/	/	/
		125'X12'	SOUTHBOUND RT. TURN LANE	UPTOWN LOOP ROAD	AT WINROCK ENTRANCE		/	/	/
		12' WIDE	BUS BAY	UPTOWN LOOP ROAD	50' SOUTH OF INDIAN SCHOOL		/	/	/
		175'	LENGTHEN EXISTING WESTBOUND DUAL LEFT TURN LANE	UPTOWN LOOP ROAD	AT LOUISIANA		/	/	/
		325' X 12'	NORTHBOUND RIGHT TURN LANE (MAY INCLUDE BUS BAY)	UPTOWN LOOP ROAD	AT INDIAN SCHOOL		/	/	/
		150'	SOUTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N. ENTRANCE		/	/	/
		125'	NORTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N. ENTRANCE		/	/	/
		185'	NORTHBOUND RIGHT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N. ENTRANCE		/	/	/
		150'	NORTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT INDIAN SCHOOL		/	/	/
		200'X12'	E. BOUND LEFT TURN LANE MODIFICATION	INDIAN SCHOOL	AT LOUISIANA		/	/	/
		200'X12'	W. BOUND DUAL LEFT TURN LANE	INDIAN SCHOOL	AT LOUISIANA		/	/	/
		200'X12'	W. BOUND DUAL LEFT TURN LANE	INDIAN SCHOOL	AT UPTOWN LOOP ROAD		/	/	/
		80'X12'	N. BOUND RIGHT TURN LANE	LOUISIANA	AT DRIVEWAY		/	/	/
		12' WIDE	BUS BAY	N. BOUND LOUISIANA	NORTH OF DRIVEWAY		/	/	/
		100'X12'	W. BOUND LEFT TURN LANE	INDIAN SCHOOL	AT DRIVEWAY		/	/	/
		90'X12'	E. BOUND RIGHT TURN LANE	INDIAN SCHOOL	AT DRIVEWAY		/	/	/

29

		135'X12'	E. BOUND RIGHT TURN LANE	INDIAN SCHOOL	AT UPTOWN LOOP ROAD		/	/
		SIGNALIZATION MODIFICATION AT INDIAN SCHOOL AND LOUISIANA					/	/
		SIGNALIZATION AT UPTOWN LOOP ROAD AND INDIAN SCHOOL					/	/

PUBLIC SANITARY SEWER IMPROVEMENTS

		8" DIA	SANITARY SEWER W/ NEC. MH'S & SERVICES	UPTOWN LOOP ROAD	INDIAN SCHOOL	LOUISIANA	/	/

PUBLIC WATERLINE IMPROVEMENTS

		10" DIA	WATERLINE W/ NEC. VALVES FH'S, MJ'S & RJ'S	PUBLIC EASEMENT INTERNAL TO SITE	UPTOWN LOOP ROAD NEAR DRIVEWAY ENTRANCE	UPTOWN LOOP ROAD JUST EAST OF INT. W/ LOUISIANA	/	/
		10" DIA	WATERLINE W/ NEC. VALVES FH'S, MJ'S & RJ'S	UPTOWN LOOP ROAD	INDIAN SCHOOL	LOUISIANA	/	/
		PUBLIC FH	EAST SIDE OF LOUISIANA	JUST SOUTH OF INDIAN SCHOOL			/	/

PUBLIC STORM DRAIN IMPROVEMENTS

		36" DIA - 48" DIA	STORM DRAIN WITH NEC. INLETS AND MANHOLES	LOUISIANA	UPTOWN LOOP ROAD	INDIAN SCHOOL	/	/
		84" SD	STORM DRAIN WITH NEC. INLETS AND MANHOLES	UPTOWN LOOP ROAD	INDIAN SCHOOL	I-40 CHANNEL	/	/

30

AGENT/OWNER		DEVELOPMENT REVIEW BOARD MEMBER APPROVALS			
BRUCE STIDWORTHY	11/20/2002	Sheran Matson	11/20/02	Christina Sandoval	11/20/02
PREPARED BY: PRINT NAME	DATE	~~DRB CHAIR~~ Planning	DATE	PARKS & ~~GENERAL SERVICES~~ Recreation	DATE
BOHANNAN HUSTON INC.		[signature]	11-20-02	N/A	
FIRM		TRANSPORTATION DEVELOPMENT	DATE	AMAFCA	DATE
[signature]		Roger Green	11/20/02	Buddy L. Bigham	11/20/02
SIGNATURE		UTILITY DEVELOPMENT	DATE	CITY ENGINEER	DATE
MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION					DATE
11-20-04					

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

HERBERT M. DENISH
AND ASSOCIATES, INC.
URBAN CONSULTANTS

November 5, 2002

Mr. Roger Green PE Acting Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque NM 87103

HAND-DELIVERED

re: Z-98-123
Uptown Spectrum II
Request for Final DRB Sign-Off

Dear Mr. Green:

I am writing on behalf of Hunt Uptown II LLC (successors in interest to T esch Development) to respond to the conditions of approval for both the Site Plan for Subdivision and the Site Plan for Building Permit for the project known as Uptown Spectrum II, located at the southeast corner of the intersection of Louisiana and Indian School Boulevards. The site is also commonly known as the Monroe Junior High School site.

The conditions are presented herein *verbatim* in bold text; our responses are immediately below. Each of the conditions has been addressed. Where revisions to the drawings have been made in response to the conditions for Site Plan for Subdivision they are marked with large numbered circles; for conditions of the Site Plan for Building Permit, such responses are noted with large numbered triangles.

CONDITIONS OF THE SITE PLAN FOR SUBDIVISION :

1. Comply with Transportation Development Division conditions as follows:

1A: A TIS has been performed for this request. An update of the TIS /AQIA to reflect the changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan. The implementation of and/or monetary contributions for mitigation measures required subsequent to the TIS negotiations must be done by the developer and accepted by the City prior to site plan sign-off by the DRB.

500 Marquette N.W. Suite 350 • P.O. Box 2001 • Albuquerque New Mexico 87103 • Tel. 505-842-6461 • FAX 505-842-6471
3791 Southern Blvd. Suite 202 • Rio Rancho, New Mexico 87124 • Tel. 505-994-1342 • FAX 505-994-9290

RESPONSE: An TIS/AQIA was performed for an earlier version of the site plan known as Spectrum I; an update was performed by Bohannon-Huston at the request of staff when "Spectrum II" was approved by the Environmental Planning Commission. The update of the TIS has been accepted by the Public Works Department; acceptance of the update by the Air Quality Division is pending as of this date.

1-B: Implementation of applicable Uptown SDP requirements. This includes the development of the Uptown Loop Road. A proposal to realign the Loop Road from the originally agreed 'G-5 Alignment' in this section, from Louisiana Boulevard to Indian School Road, to improve intersection spacing is being considered. An agreement between this property and Winrock Center needs to be reached on the realignment.

RESPONSE: It is the applicant's understanding that the City has approved the construction documents for the southeast quadrant of the Loop Road and that bid openings will be held in the third week of November. It is our further understanding that all parties have contractually agreed to the construction of the Loop Road according to those construction documents. Further, the applicant has granted a roadway easement to the City for all rights-of-way necessary for the City's construction of the road across the applicant's property.

1-C: The modification to the design of southern entrance to America's Parkway may be considered if the proposed ramp to Interstate 40 is eliminated as part of the redesign of the I-40 Louisiana Interchange.

RESPONSE: It is the applicant's understanding that the ramp has been included in the City's construction documents and that no such design modification is being considered.

1-D: Dedication of 62 feet and 43 feet from the existing centerline, and the full width of 86 feet of right-of-way for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

RESPONSE: The existing rights-of-way for both Louisiana and Indian School have been confirmed as meeting or exceeding the required dimensions. The roadway easement granted by the applicant for the Loop Road shows 96' of width, as required by contract with the City.

1.E: Construction of the needed street improvements, including pavement, curb and gutter, signal conduit, turn bays, medians and deceleration lanes, and 6 foot to 15 foot sidewalks for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

RESPONSE: The applicant has submitted a revised infrastructure list. Many of the required improvements will be built as part of the City's Loop Road construction contract. The agreement between the applicant and the City for granting of the Loop Road roadway easement does provide that the City will build the street from curb to curb, and that the applicant is reponsible for all improvements outside the curb lines; tose improvements are included on the submitted infrastructure list.

2: The submittal of this Site Plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal indicating how the site development plan has been modified to meet the EPC conditions.

RESPONSE: This letter constitutes the required response.

CONDITIONS of the SITE PLAN FOR BUILDING PERMIT:

1. The applicant shall participate in a Transportation Management Organization (TMO), providing and installing bicycle racks or storage, employee lockers and showers, carpool and vanpool parking, and onsite ATM's as per the original agreed on traffic mitigation plan for this site (attached).

RESPONSE: The referenced Traffic Mitigation Plan was executed between Tesch Development and the City; Hunt Uptown II LLC has agreed to abide by its conditions. The applicant has been advised by the Transit and Parking Division that the applicant's assumption of Tesch's obligations pursuant to the Tesch *"Traffic Mitigation Plan"* (including payment of the fees described therein) satisfies this condition. The applicant has requested that the Transit and Parking Division confirm this in writing to the DRB.

2. The applicant shall submit for DRB review detailed plans and elevations for each building, plaza, and landscaped area which show proposed facade improvements and decorative features, etc..

RESPONSE: This condition must be viewed in the light of Condition #15. With this submittal the applicant has improved the detail and ornamentation in the elevations of the theater building while keeping with the main themes and building materials and within the envelope of the drawings approved by the EPC. The restaurants will be subject to the guidelines required by condition #15; those guidelines are to be reviewed by the EPC Site Plan Review Committee as required. The applicant is generally satisfied with the elevations of the parking garage as detailed in the EPC submittal and does not feel they require embellishment.

3. The applicant shall submit for DRB review a complete landscape plan, including all required vegetation elements, specifying such specific landscape details as bench placement, planter areas, tree planting hole and grate details, drainage, and irrigation. The applicant shall also provide landscape plans for all plaza areas, drawn in detail at a maximum scale of 1"=10'. The plan should also locate and identify lighting, signage, public art and other elements not well illustrated in the submitted plans.

RESPONSE: A general landscaping plan for the entire site has been produced (Sheet 5/21); the required "blow-ups" have been produced (Sheets 6/21 and 7/21)

4. Additional design drawings should be submitted prior to DRB showing design enhancement of the pedestrian path to the north, east of Retail I. This could include skylights, window treatment of Retail 1, furniture, color, texture, lighting, and other enhancements to make this path attractive and safe.

RESPONSE: Sheet 1/21 has been modified to show that the west wall of parking garage #1 has been pulled back from retail #1 and a skylight inserted; street furniture has been located in the walkway.

5. The north facade of Garage 1 shall be enhanced by providing display windows along the lower elevation of the garage.

RESPONSE: The display windows have been added.

6. The applicant shall conform to all applicable portions of the Americans With Disabilities Act, including providing convenient and safe access to all major entries and pedestrian connections. Pedestrian ramps shall be given locational priority over stairs.

RESPONSE: The site shall conform in all respects with ADA and New Mexico State requirements. The main east-west pedestrianway has been redesigned to give equal priority to both ramps and stairs.

7. Building and plaza signage. lighting and ornamentation shall substantially conform to the illustrations presented in the applicant's submittal package, including the booklet entitled *"Design Elements and Supplemental Information"*. Permitted ornamentation shall include one or more of these features per tenant space, to the satisfaction of the Planning Department:

- **Awnings**
- **Decorative banners, flags, streamers, etc., of a semi-permanent nature, including banners advertising public or private cultural events**
- **Light fixtures**
- **Additional Landscaping, including portable plantings**
- **Additional Pedestrian features**
- **Other amenities and decorative elements to the satisfaction of the Planning Department**

RESPONSE: Such features have been added to the elevations at various locations marked with a "7" within a triangle. A note on the site plan requires that each building be reviewed at time of building permit for compliance with this provision.

8. Illuminated signage is not permitted on the east building facades from 26' above finish grade to the uppermost building elevation.

RESPONSE: Only two signs met this criterion (east hotel/office/condo elevation and east theatre elevation)) and both have been marked as "non-illuminated".

9. Monument signs shall not be higher than 10' or greater than 100 square feet in area. The number of monument signs shall be restricted to four, one at the entrance on Indian School Road, one at the northeast corner of the site, one at the Americas Parkway entrance, and one at the Louisiana Boulevard entrance.

RESPONSE: A detail of the sign appears on Sheet 12/21 and the locations are marked on the site plan in accordance with this requirement.

10. The signage criteria submitted is [sic] a condition of approval except where it may conflict with the Zoning Code or with the Uptown Sector Plan. Delete the criteria which prohibits flags and banners.

RESPONSE: Note "I" has been deleted from Sheet 12/21.

11. Standard parking spaces are 20' x 8.5' and shall be so noted on the site plans.

RESPONSE: The applicant assumes this refers to surface parking spaces. They are shown as 8.5 feet wide and 18 feet long with a 2-foot overhang as is standard practice permitted by the DPM.

12. Provide pedestrian connections to adjacent uses at Winrock Center including clearly marked textured alternative paving across the loop road. A connection across Americas Park-way at mid site along the east property line shall be 20 feet wide, this connection shall occur directly to the north of the access road. All pedestrian crossings of drive aisles shall have textured pavement and a minimum 8 foot width.

RESPONSE: The required walkways have been shown in the required locations.

13. Comply with the following Transportation Development Division conditions:

A-1: Modifications to the Indian School Road entrance: provision of a deceleration lane (in-cludes dedication & construction).

RESPONSE: The lane will be constructed by work order as part of the infrastructure list; if addi-tional right-of-way is needed, the applicant believes it can be granted by easement.

A-2: Modification of entrance to include adequate space for all traffic movements either entering or leaving the site, and an adequate throat area for queuing of traffic entering or leaving the parking structure.

RESPONSE: To the best of the applicant's knowledge the dimensions shown on the site plan are sufficient to meet this requirement.

A-3: The entrance will operate as a full movement access point, construction of a median opening for left turns will be required. Additional right-of-way may be required as deter-mined by the requested traffic analysis.

RESPONSE: The median is already cosntructed with the requisite turn lane; it does not appear that any additional right-of-way is required.

B-1: Modifications to the east side entrance. must be 40 feet wide to accommodate a 16 foot entrance lane & two 12 foot exit lanes for approximately 50 feet before the transition to 30 feet in width. .

RESPONSE: The required dimensional changes have been made.

B-2: The hotel entrance must be 30 feet in width; the turnaround at the 'Porte cochere' en-trance must have a minimum radius of 30 feet; and provision of an exit lane with a maximum width of 18 feet, and intersect at a 60 degree angle with the Loop Road.

RESPONSE: The cul-de-sac has been eliminated. The driveway intersection is set at the requested angle.

C-1. Modifications to the south side entrance: entrance must be a service drive exit only.

RESPONSE: The exit lane is thus configured and marked.

C-2: The exit must intersect west of the Interstate 40 Ramp I Loop Road intersection.

RESPONSE: The intersection is in the proper place.

C-3: The 20 foot exit lane must intersect at a 45 to 60 degree angle to the Loop Road.

RESPONSE: The intersection is set at the proper angle.

D. Provision of adequate pedestrian circulation with handicapped features within the site and to the adjacent streets, this includes connections to the adjacent residential and commercial developments.

RESPONSE: With the addition of the main walkway across the Loop Road, the major pedestrian connections are shown. All intersections have appropriate handicapped ramps.

E. The site plan must identify surrounding uses and provide dimensions where appropriate, i.e., structures, streets, drive aisles, parking spaces, walls, signs, etc.

RESPONSE: All adjacent uses are accounted for and the location of existing signage, drive aisles, etc. are shown.

F. Vehicular and pedestrian circulation pattern must be developed to the satisfaction of the Traffic Engineer.

RESPONSE: The applicant believes that witht he modifications made in response to the conditions, this plan reflects a vehicular and pedestrian plan acceptable to the traffic engineer.

G. Provision of direction pedestrian access from parking garage elevators to the proposed pedestrian mall.

RESPONSE: The elevators in both parking garages have been oriented so that they directly access pedestrian areas.

H. The completion of the Americ's [sic] Parkway should be determined and participants are urged to complete negotiations as quickly as possible.

RESPONSE: As previously noted the applicant has granted a roadway easement to the City for the purposes of constructing the Loop Road.

14. The submittal of this Site Plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal indicating how the site development plan has been modified to meet the EPC conditions.

RESPONSE: This letter constitutes the required description of the applicant's response to the Notification of Decision.

15. The restaurant shall be architecturally integrated into the overall site architecture period. Guidelines shall be developed and submitted to the EPC site plan review committee .

RESPONSE: A separate sheet of architectural guidelines has been added to the set; these guidelines are under review by the EPC Site Plan Review Committee.

16. Street trees shall be added at 30 feet on center on the west side of the restaurant building along Louisiana.

RESPONSE: The required trees have been added. (Sheet 5/21)

17. Delete the walkways shown on the east, west and south side of the parking garage number 2 convert it to landscaping.

RESPONSE: The walkway areas have been converted to landscaping as shown on Sheet 5/21.

18. Improve pedestrian connections from garage number 2 to the pedestrian ways to the east, west, and south of the site.

RESPONSE: In lieu of the walkways deleted by the previous comment, walkways have been extended across the internal streets to other pedestrian ways (Sheet 5/21)

19. Widen the sidewalk directly to the east of the south restaurant; the sidewalk runs in a east/ west direction. Shade trees shall be added at 25 feet on center along the pedestrian way.

RESPONSE: The sidewalk has been widened and the trees added.

20. Housing units shall be added to the site at a rate of 1 unit per 2,000 square feet of retail above the 10% former requirements up to a maximum of 20% of retail on the site. Parking shall be required at a maximum of 1 space per unit.

RESPONSE: 24 housing units have been shown on the upper level of Garage #2; alternatively, the top floor of the hotel/office building could be converted to condominium usage. The parking tabulation shows one space per unit, but does not take into account the likelihood of shared parking activities on-site.

21. Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of I parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

RESPONSE: Each unit has a deck or balcony meeting the open space requirement. This application has simultaneously been submitted to the Planning Director for the purpose of reviewing compliance with this requirement.

The applicant believes the application is in all respects complete and that each of the conditions has been met. We respectfully request the Board's consideration

Sincerely yours,

Lawrence Kline AICP
for Hunt Uptown II LLC

cc: Gary Sapp
TomWaggoner
Chris Gunning AIA
James Topmiller PE

HERBERT M. DENISH
AND ASSOCIATES, INC.
URBAN CONSULTANTS

December 2, 2002

Alan Schwartz, Chairman
Environmental Planning Commission
600 2nd Street NW
Albuquerque, NM 87103

Re: Uptown Spectrum II DRB Submittal, Conditions of Approval 15 and 21, Project #1002337

Dear Chairman Schwartz:

At the request of Mr. Paulsen of the Planning staff, I am writing to you on behalf of our client, Hunt Uptown II, to explain our views on a couple issues related to the questions the staff is bringing before you at the hearing on December 5.

We are currently in the process of seeking DRB final sign-off for the Z-98-128 – the "Uptown Spectrum" plan. This plan was approved by the EPC on October 15, 1998; however, final approval was never granted as this case was impacted by two appeals. The Site Plan was dependent upon an amendment to the Uptown Sector Plan, which amendment was approved at the same time as the Site Plan was approved. Both the Site Plan Approval and Sector Plan Amendments were appealed to the New Mexico Courts.

The Sector Plan Amendment was appealed in Prudential Insurance Company of America v City of Albuquerque (CV-99-002039). The Site Plan was appealed in Inez Neighborhood Association v. City of Albuquerque (CV-99-01991). The Sector Plan Amendment appeal was resolved on January 10, 2001 when the New Mexico Courts denied Prudential's petition for further appeal. The Site Plan Approval appeal was resolved on January 8, 2002 when the appeal was voluntarily dismissed by the appellants.

The other issue which has arisen is this: Two conditions of the EPC were required to receive further review by the "EPC Site Plan Review Committee" prior to making the DRB submittal. The EPC Site Plan Review Committee was a three-person committee of the EPC which reviewed minor site plan design issues at meetings which we understood were neither publicly advertised nor open to public comment. In early October of this year, prior to submitting for DRB final

500 Marquette N.W. Suite 350 • P.O. Box 2001 • Albuquerque New Mexico 87103 • Tel. 505-842-6461 • FAX 505-842-6471
3791 Southern Blvd. Suite 202 • Rio Rancho, New Mexico 87124 • Tel. 505-994-1342 • FAX 505-994-9290

sign off, we sought the advice of Planning staff on how to comply with these two conditions. Planning Staff informed us that this committee is now defunct and that the EPC has no intention of reviving it. Upon direction from City legal counsel and members of the Planning Commission, Planning staff determined that the appropriate course of action was to bring these matters to the Planning Commission at its December 5th hearing.

The two conditions are:

15. The restaurant architecture shall be architecturally integrated into the overall site architecture period. [sic] Guidelines shall be developed and submitted to the EPC site plan review committee.

21. Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

For the purposes of your review relative to these conditions, we are providing at the staff's request the following sheets from our DRB submittal:

Sheet 1, the overall Site Plan for the site.
Sheet 5, the Landscape Plan, in order to show the site plan in a more readable form.
Sheets 9,14 and 16, for the purposes of determining compliance with Condition 21, elevation sheets of the proposed housing units: including their potential location in the hotel/office/condo building or on top of a parking garage.
Sheet 17: Design Guidelines for restaurant building architecture for the purposes of determining compliance with Condition 15.

We have made all the modifications to the submittal as required by the EPC's Conditions of Approval. Final DRB approval is pending your review of the two Conditions presently before you.

We thank you for your assistance in this matter and look forward to receiving your support as we move forward with our project.

Sincerely,

Lawrence S. Kline, AICP

MYERS, OLIVER & PRICE, P.C.

LAWYERS
1401 CENTRAL AVENUE, N.W.
ALBUQUERQUE, NEW MEXICO 87104

JOHN A. MYERS
SCOTT OLIVER*
CHARLES P. PRICE III
KEVIN J. McCREADY
HOPE MEAD WYNN

*ALSO LICENSED IN TEXAS

TELEPHONE
(505)247-9080

FACSIMILE
(505)247-9109

e-mail: jmyers@moplaw.com

January 9, 2003

Alan Schwartz, Chairman
Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd Street NW, 2nd Floor
Albuquerque, New Mexico 87102

Re: Appeal of DRB Decision Dated November 20, 2002/Project No. 1002337/02 DRB-01710 Site Development Plan for Subdivision/02 DRB-01708 Site Development Plan for Building Permit

Dear Chairman and Commissioners:

This office represents Hunt Uptown II, L.L.C. ("Hunt") with respect to its applications for final sign-off by the City's Development Review Board ("DRB") of the Site Development Plan for Subdivision ("Subdivision Site Plan") and Site Development Plan for Building Permit ("Building Permit Site Plan") for the Monroe Junior High Site, also referred to as the Spectrum II Plan (the "Monroe Site").

On December 3, 2002 PruWinrock, L.L.C. ("PruWinrock") filed an appeal through its agents, Rodey, Dickason, Sloan, Akin & Robb, P.A. (the "Rodey Firm") of actions taken by the DRB on final sign-off of the Subdivision Site Plan and the Building Permit Site Plan (the "Current Appeal").

Factual Background

On October 15, 1998, the EPC voted to recommend approval to the City Council certain amendments (the "Sector Plan Amendments") to the Uptown Sector Development Plan (the "Uptown Plan"), approved the Subdivision Site Plan for the Monroe Site with conditions and approved the Site Plan for Building Permit for the Monroe Site with twenty-one (21) conditions. The Building Permit Site Plan was dependent upon the Sector Plan Amendments. The applicant for these actions was the then contract purchasers from the Albuquerque Public Schools ("APS") of the Monroe Site (the "Tesch Group").

The Sector Plan Amendments required enactment by the City Council. The Subdivision Site Plan and Building Permit Site Plan approvals were appealed to the City Council. In February 1999, the City Council adopted the Sector Plan Amendments, and denied the appeal of the Subdivision Site Plan and the Building Permit Site Plan approvals.

The Sector Plan Amendments were appealed to the New Mexico District Court by the Prudential Insurance Company of America ("Prudential"). Prudential filed the appeal as the owner of Winrock Center. Prudential is the predecessor to PruWinrock, the appellant in the Current Appeal. Prudential was represented in these appeals by the Rodey Firm. The Subdivision Site Plan and the Building Permit Site Plan approvals were appealed to the New Mexico District Court by a group of neighborhood associations. The cases were consolidated upon appeal.

Final appellate court action was taken on Winrock's appeal of the Sector Plan Amendments when the New Mexico Court of Appeals issued its Mandate on March 14, 2001. The Mandate transmitted to the District Court the Court of Appeal's order denying Winrock's petition for further appeal. The Site Plan Approval Appeal was resolved on January 8, 2001 when the appeal was voluntarily dismissed by the appellants. Therefore, these appeals left unresolved the status of the Monroe Site Plans for almost two and one-half (2½) years. Copies of these decisions and orders are enclosed.

Subsequent to the original approvals for the Monroe Site, the Tesch Group's contract to purchase the Monroe Site terminated. In April, 2002, Hunt purchased the Monroe Site and began the process of evaluating the alternatives for development of the Monroe Site. After consideration of an alternative plan for the Monroe Site, Hunt elected to perfect the approval of the Subdivision Site Plan and Building Permit Site Plan for the Monroe Site as reviewed by the EPC, making application to the DRB in early November 2002.

On November 20, 2002, the DRB considered the Subdivision Site Plan and the Building Permit Site Plan for final sign-off. Two members of the DRB, the Parks representative and the Utilities representative, signed-off on the site plans with final sign-off delegated to the City Engineer, the Transportation Development Department, and the Planning Department. Final sign-off was not given at the November 20, 2002 hearing, as there were additional matters to be resolved to the satisfaction of the other DRB representatives.

Subsequent to the November 20, 2002 hearing, all outstanding conditions imposed by the EPC have been satisfied. On January 7, 2003 final sign-off was received on these Site Plans. Conditions which were satisfied subsequent to the November 20, 2002 DRB hearing included: (i) verification of compliance with Conditions No. 15 and No. 21 which were referred to the EPC Site Plan Review Committee, but approved by the full EPC on December 5, 2002, and (ii) Hunt entering into a subdivision improvement agreement with the City whereby Hunt obligated itself to construct certain infrastructure and Hunt posted a financial guarantee of approximately $700,000.00 securing its obligations.

I. THE APPEAL WAS PREMATURE

PruWinrock filed its appeal to the EPC on December 3, 2002, prior to the DRB completing the task from which the appeal was taken. The final sign-off occurred on January 7, 2003. Such a premature appeal is contrary to law, and to have considered such an appeal would have led to untenable results.

The actions before City boards are administrative proceedings. The law in New Mexico, as well as the general law across the country, is that an administrative decision is not subject to review until the decision is final, that is the "administrative order must have nothing further for the agency to do." 2 Am. Jur. 2nd Administrative Law §381, Pg. 382. The same principle applies to court review of administrative actions. The court in Mills v. New Mexico State Board of Psychologist Examiners, 123 NM 421, held that courts may not review actions of administrative actions until those actions are final. This same self-evident principle applies to appeals in the New Mexico courts which have a "final judgment" rule which provides that generally appeals may not be taken until a final judgment has been entered by the lower court.

Now that the DRB has completed its work, PruWinrock's appeal is "ripe" for consideration by the EPC. However, the appealable issues, if any, are very narrow.

II. THE APPEALABLE ISSUES ARE LIMITED

When the Site Plans were approved by the EPC, Winrock was afforded the opportunity to be heard on its concerns regarding the Site Plans. PruWinrock's representatives were present and were heard, and Winrock exhausted its administrative and court appeals on their grievances with the Site Plans. The DRB sign-off of the Site Plans is to certify to a site plan as presented to the EPC which incorporates all conditions imposed by the EPC. In this action the DRB is not vested with the right to modify the Site Plans as approved by the EPC. Therefore, the Site Plans as signed off are exactly as approved and conditioned by the EPC. Winrock had the opportunity and has exercised its right to appeal the EPC's decision; Winrock is not entitled to "another bite at the apple".

Therefore, if the DRB sign-off is appealable at all, the appeal must be limited to the issue of whether the Site Plans as signed-off by the DRB are as approved by the EPC.

III. THE SUBDIVISION SITE PLAN AND BUILDING PERMIT SITE PLAN APPROVALS HAVE NOT LAPSED

Winrock asserts that the Subdivision Site Plan and Building Permit Site Plan approvals for the Monroe Site have lapsed pursuant to Section 3H(11) of the Uptown Plan which provides, in part, as follows:

The portions of Site Development Plans showing structures that have not obtained building permits within two (2) years of Site Plan Approval shall be void…

In the Spring of this year, prior to pursuing final approval of the Subdivision Site Plan and Building Permit Site Plan, Hunt, through its agents, sought confirmation from the City Planning Department that these approvals had not somehow lapsed. Hunt received confirmation from the Planning Director that "the City does not require that a Site Plan for building permit approved by the Planning Commission be brought before the DRB on any given schedule". A copy of the Planning Director's letter is attached. We assume that the basis for the Planning Director's statement was that the two (2) year "clock" does not start to run until final approval of the Site Plans by the DRB. This is a reasonable construction, as prior to DRB sign-off, the Site Plan has no legal effect, there is no "approval" and no building permits can be issued.

Moreover, construing the two (2) year clock to start running at EPC approval (versus DRB sign-off) would result in a substantial likelihood that site plan approvals would lapse prior to completion of development. Under the best of circumstances, for complex mixed use projects, the DRB approval process takes a substantial period of time following EPC approval. Following an EPC decision on a site plan, the applicant must comply with all conditions imposed by the EPC. With the Monroe Site, the Building Permit Site Plan had twenty-one (21) conditions, many of which had sub-conditions. These conditions include the obligation to construct about $700,000.00 in infrastructure. Satisfying these conditions takes time. Therefore, starting the two (2) year period running at EPC approval would substantially reduce the likelihood that a project would be built out within this time frame.

In the alternative, should the City determine that the two year clock starts running upon EPC approval, law and equity mandate that the two (2) year period begins to run only after all appeals have been resolved. In this case, PruWinrock urges the City to declare the Site Plan Approvals to have lapsed when PruWinrock's predecessor, through PruWinrock's attorneys, kept the EPC approvals under appeal in the courts for over two (2) years, including various rejected procedural maneuvers that substantially prolonged the appeal process. Winrock's appeals were defeated, however now PruWinrock asserts that it has *de facto* prevailed in its appeals simply by keeping the appeal process alive for over two (2) years. This is an outrageous assertion.

IV. HUNT HAS PROPERLY SATISFIED BUILDING PERMIT SITE PLAN APPROVAL CONDITION NO. 21

Condition No. 21 to the Building Permit Site Plan approval provides as follows:

Each housing unit shall have a minimum of eighty (80) square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of one (1) parking space per unit. The revised Site Plan shall be submitted to the EPC Site Plan Review Committee for final approval prior to DRB submittal.

At the time of the EPC approval of the Building Permit Site Plan, the EPC had established a Site Plan Review Committee. The Site Plan Review Committee reviewed certain site plan amendments at meetings which were neither publicly advertised nor open for public comment. The EPC no longer has a Site Plan Review Committee. Therefore, in early October of this year, prior to submitting for DRB final sign-off, Hunt sought the advice of the City planning staff on how to comply with this condition. Upon direction from the City legal counsel and members of the EPC, the staff determined that the appropriate course of action would be to present this issue to the full Commission at the December 5, 2002 hearing.

The Planning Department representative on the DRB reserved sign-off on the Building Permit Site Plan pending the EPC review of the Site Plan for compliance with this condition. On December 5, 2002, at an advertised public hearing, the EPC approved the location of the housing units and the associated open space. Subsequent to this action by the EPC, the Planning Department representative signed off on the Site Plans. The Planning Department's reservation of its approval pending this action satisfies the timing requirement of this condition.

V. HUNT IS SATISFYING ALL OF THE EPC CONDITIONS OF APPROVAL OF THE BUILDING PERMIT SITE PLAN

Winrock asserts that the DRB has taken action prior to satisfaction of all of the conditions imposed upon Hunt by the EPC for approval of the Site Plans. As of the date of the filing of the Current Appeal, all of the conditions had not been satisfied and for that reason the DRB had not taken final action on the sign-off of the Site Plans, resulting in this appeal being premature. It is ironic that PruWinrock filed its appeal before the DRB's work was done and asserts as one of its grounds for appeal that the DRB's work was not done.

PruWinrock asserts that the following conditions have not been satisfied:

- Condition No. 15. Which provides as follows:

  The restaurant shall be architecturally integrated into the overall site architecture. Guidelines shall be developed and submitted to the EPC Site Plan Review Committee.

This condition was satisfied by the EPC's approval of these guidelines at its December 5, 2002 meeting.

- Condition No. 21. Which provides as follows:

  Each housing unit shall have a minimum of eighty (80) square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of one (1) parking space per unit. The revised Site Plan shall be submitted to the EPC Site Plan Review Committee for final approval prior to DRB submittal.

This condition was satisfied by the EPC's approval at its December 5, 2002 meeting of the portions of the Site Plan showing how the open space has been provided for the housing units. PruWinrock argues that this condition is intended to require a complete review of the Site Plan by the EPC rather than a review of the treatment of the housing unit's open space. It is a strained reading of this condition to suggest that the second sentence in the condition does not relate to the first sentence.

- Condition No 1(B). Condition No. 1(B) to the Subdivision Site Plan provides, in part, as follows:

  An agreement between this property and Winrock Center needs to be reached on the realignment [of the loop road].

By agreement entitled "Interstate 40/Louisania Boulevard Interchange and Road Improvements Agreement", Prudential, the City and the New Mexico Transportation Department entered into an agreement which established the alignment of the loop road and provided for the dedication of the necessary rights-of-way and construction obligations to complete the loop road. This agreement satisfied the intent of this condition to ensure that agreements were in place for the completion of the loop road.

The loop road alignment on the site plans is as approved by the EPC for the Monroe Site and is consistent with the loop road alignment provided for in the Winrock road agreement.

- Condition 1A. Condition No. 1A to the Site Development Plan for Subdivision provides, in part, as follows:

  A. TIS has been performed for this request. An update of the TIS/AQIA to reflect the changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan.

The original TIS performed for the Monroe Site related to a site plan approved in Case No. 96-119. The Building Permit site plan the subject of this appeal was approved by the EPC in this action in case No. Z-98-123. This reference to the TIS update was to differentiate between the land uses in the two Site Plans considered by the EPC. This update was performed and approved by the Transportation Development Department. A copy of the letter making this comparison is attached. PruWinrock asserts that the addition of the housing units mandates additional traffic analysis. However, to encourage residential development in Uptown, the Uptown Plan specifically provides that traffic analysis shall be limited to the evaluation of traffic from "non-residential uses" (Uptown Plan Page 37). Therefore, this additional analysis is not required.

VI. THE DRB DID NOT VIOLATE NOTICE REQUIREMENT

Winrock argues that the City failed to satisfy certain notification requirements as a result of the characterization of the Site Plans as "minor" in nature. The City regulations have no provision for "minor" site plans, and therefore Winrock's arguments appear to be misguided. Winrock references the definition of a "minor subdivision". However, no subdivision actions are involved in these proceedings and reliance on this definition is misplaced.

Winrock quotes in its appeal Section 14-16-2-22(A)(6) which relates to the Planning Director's authority to approve "minor changes to approved site development plans". This reference is also misguided. Section 16 of the Zoning Code relates to the SU-1 Special Use Zone. The Monroe Site is not located within the SU-1 zone, but is zoned SU-3 pursuant to the Uptown Plan; very different zones with very different issues and goals. Section 3(H)(9) of the Uptown Plan dictates the procedures for the Planning Director's approval of "minor changes to an approved site development plan". This provision of the Uptown Plan does not contain the notification requirements specified for minor changes to site plans within the SU-1 zone.

Even if this section of the Zoning Code relating to the SU-1 zone were to be applied to the SU-3 zone it would not be applicable to this situation. This section, as well as the similar section in the Uptown Plan, relate to amendments to an approved site plan. The action before the DRB in this case is not an amendment of approved site plans, but is the initial approval of Site Plans considered at the public hearing before the EPC. Even if the SU-1 section was applicable, and DRB sign-off of the Plan satisfying the EPC conditions was determined to be an "amendment" to an approved site plan, these sections would not trigger notification requirements.

Winrock, asserts that the addition of the mandated housing units increases the building square footage by more than two percent (2%). Such an increase might trigger public notice pursuant to the SU-1 section. The Site Plan as presented to the DRB depicts housing units located on the top of a parking structure. Alternatively, the Site Plan

earmarks the top two floors of a high rise as the mandated housing units. These housing units were presented to the EPC on December 5, 2002 for its review. To achieve a more desirable and compatible land use mix, and at Hunt's urging, the EPC approved the location of the housing units in the high rise. This results in no net increase in building square footage from the plan that was originally presented to the EPC.

Finally, PruWinrock cannot be aggrieved by lack of notice when it has fully and actively participated in all of the DRB proceedings.

VII. CONCLUSION

Hunt respectfully requests that the EPC reject Winrock's appeal and uphold the final action by the DRB.

Sincerely,
Myers, Oliver & Price, P.C.

By: _____
John A. Myers

JAM/ck
Enclosure
cc: Vic Chavez, Director
Bob Paulsen, Principal Planner
Roger Green, DRB Chair
Sharon Matson
David Suffling, Esq.
Kevin Curran, Esq.
John Salazar, Esq.
Michelle Henrie, Esq.
Mr. Gary Sapp
Mr. Herb Denish

H.\HUNT\JAM\LETTERS\Ltr to Envir. Plan Comm 2.doc

SECOND JUDICIAL DISTRICT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey corporation,

Appellant,

vs.

CITY OF ALBUQUERQUE, a New Mexico municipal corporation,

Appellee,

and

UPTOWN SQUARE, LTD.,

Interested Party.

ENDORSED
FILED IN MY OFFICE THIS
MAR 0 2 1999
CLERK DISTRICT COURT

DEAR DUE

No. CV-'99 00 20 39

NOTICE OF APPEAL

Pursuant to NMSA 1978, § 3-21-9 (1998), NMSA 1978, § 39-3-1.1 (1998) and Rule 1-074, NMRA 1999, The Prudential Insurance Company of America, through its counsel, Rodey, Dickason, Sloan, Akin & Robb, P.A. (John P. Salazar), hereby gives notice of its appeal of the decision rendered on February 1, 1999, by the City Council of the City of Albuquerque in File SD 95-4-2/Z-98-123 (Bill R-154), proposed by Uptown Square, Ltd. A copy of the Notification of Decision is attached.

57

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By _____

John P. Salazar
P.O. Box 1888
Albuquerque, NM 87103-1888
Telephone: (505) 765-5900
Attorney for Appellant

51

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. 21881

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA, a New Jersey corporation,

Petitioner-Appellant,

vs.

CITY OF ALBUQUERQUE, et al.,

Respondent-Appellee.

Bernalillo County
CV-99-1991

MANDATE TO DISTRICT COURT CLERK

(Applicable items are indicated by an "X" below.)

1. __X__ Attached is a true and correct copy of the original (decision/order) entered in the above-entitled cause.

2. __X__ This (decision/order) being now final, the cause is remanded to you for any further proceedings consistent with said (decision/order).

3. _____ Writ of Certiorari having been issued by the New Mexico Supreme Court and their decision being final, this cause is remanded to you for any further proceedings consistent with said Supreme Court decision attached hereto.

4. _____ You are directed to issue any commitment necessary for the execution of your judgment and sentence.

5. _____ District Court Clerk's Record returned herewith:
_____ tapes; _____ transcript; _____ depositions; _____ other.

6. _____ Exhibits filed herein shall be:
_____ picked up at this Clerk's Office forthwith.
_____ returned by this Clerk's Office.

7. _____ Cost Bill is assessed as follows:

9. _____ Attorney fees on appeal are granted as follows:

By direction of and in the name of the Chief Judge of the Court of Appeals, this 14th day of March, 2001.

(SEAL)

Patricia R. Wallace
Clerk of the Court of Appeals of the
State of New Mexico

S. Jones
Patricia R. Wallace
Clerk of the Court of Appeals
of the State of New Mexico
by S. Jones

cc: Counsel w/out attachments

52

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey corporation,

Petitioner-Appellant,

vs.

No. 21,881
Bernalillo County
CV--99-1991

CITY OF ALBUQUERQUE, a New Mexico municipal corporation,

Respondent-Appellee,

and

UPTOWN SQUARE, LTD.,

Interested Party-Respondent,

and

ALBUQUERQUE MUNICIPAL SCHOOL DISTRICT NO. 12, COUNTIES OF BERNALILLO AND SANDOVAL, a political subdivision of the State of New Mexico,

Intervenor-Respondent.

_____ /

FILED
01 JAN 10 PM 3:46
COURT OF APPEALS
STATE OF NEW MEXICO
P.R. WALLACE, CLERK

ORDER

This matter having come before the Court on Petitioner-Appellant Prudential Insurance Company of America's petition for writ of certiorari, and due consideration having been had,

IT IS HEREBY ORDERED that the petition for writ of certiorari is **DENIED**.

A. JOSEPH ALARID, Judge

53

**
**
**
**

RICHARD C. BOSSON, Judge

JONATHAN B. SUTIN, Judge

ALBUQUERQUE
NEW MEXICO
1706

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

April 12, 2002

Mr. Lawrence S. Kline AICP
Herbert M. Denish and Associates
PO Box 2001
Albuquerque NM 87103

Re: DRB-97-178 - "Uptown Spectrum"

Dear Mr. Kline:

In my capacity as City Planner, I am writing in response to your letter of March 13, 2002 inquiring as to the state of approvals of the above referenced project.

After review of our files and discussion with my staff, I can state the following:

The Site Plan for Subdivision and Site Plan for Building Permit were submitted to the Development Review Board (DRB) for final sign off pursuant to approval by the Environmental Planning Commission as case #DRB-97-178. The Uptown Spectrum project was last reviewed by the DRB on June 16, 1998. At that time agency comments were issued and an infrastructure list was prepared and submitted. The DRB has not received a response to the written comments, nor has the infrastructure list been signed, or a Subdivision Improvements Agreement executed.

On November 23, 1998, the DRB received a letter from the agent, George Rainhart Architects, requesting indefinite deferral of the matter . That request was accepted. It was our understanding that the project approval had been appealed from the Planning Commission decision and that the agent did not wish to proceed with DRB approval until the appeals were resolved. I have confirmed with the Assistant City Attorney, Mr. David Suffling, that in fact all appeals related to the case have been resolved.

The City does not require that a Site Plan for Building Permit approved by the Planning Commission be brought before the DRB on any given schedule. By virtue of the fact that an indefinite deferral was requested and granted in this matter, the DRB's action related to Uptown

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

Spectrum is not complete. And until it is complete, no building permits can be issued on the site.

However, the case can be re-opened by re-submitting the required documents to the DRB. Given that agency comments and infrastructure lists have already been formulated, and providing there are no substantial changes to the plan approved by the Planning Commission, the case should move through the DRB process relatively quickly.

I would like to emphasize that the only plan which can be used to re-open this case is the plan which was before the DRB at their hearing on June 16, 1998; to assure proper documentation I have attached a copy of that plan for your reference. Please be aware that this Site Plan sheet is attached to several other sheets of building elevations and so on, also approved by the Planning Commission, which are available to you at your leisure.

Also be aware that any substantial deviation from this plan will require resubmittal not to the DRB, but back to the Planning Commission. So I caution you that to truly re-open this case at the DRB level, you must be prepared to accept the plan, and all the conditions appurtenant to it, "as is".

Also be aware that approval of the plan pursuant to a Planning Commission approval does not in any way relieve the applicant of compliance with all other applicable City ordinances and policies in regard to the issuance of a building permit.

We look forward to your application and as always will assist you in every way in bringing your project to fruition.

Sincerely,

Victor Chavez PE
Planning Director

cc: Fred Aguirre, City Engineer
Kevin Curran Esq.

copy to
Eric
Wrage

5057

September 30, 1998

original to James T.

HANNAN HUSTON
rtyard One
) JEFFERSON NE
querque
MEXICO 87109
505.823.1000
5.821.0892

Joe David Montaño, P.E.
Transportation Planner
City of Albuquerque
Transportation Division/PWD
P.O. Box 1293
Albuquerque, NM 87103

Copy

Re: **REVISED SUBMITTAL**
Changes in Land Use for Uptown Development at Monroe School Site
DRB Case Number: 98-178, EPC Case Number: Z-96-119

Dear Joe David:

Enclosed is documentation of the revised changes in land use at the above referenced project. This submittal is to replace the letter to you dated August 21, 1998. Table 1 is the number of trips generated by the approved development and Table 2 contains the trips generated by the proposed development. The site plan for the proposed development is also attached. This is provided to compare the trips generated by the proposed land uses in the development with assumptions used in the original study.

As we discussed, the proposed land use changes do not increase the number of peak hour trips for the development. Therefore the conclusions of the original traffic impact study and the improvement requirements identified continue to be valid and will maintain acceptable levels of service on the local transportation system.

We are also working with Jim Barr and Taschek Environmental Consulting to determine the net effect on the air quality analysis due to this proposed change. Please feel free to contact me or Eric Wrage regarding any questions you may have. Thank you.

Sincerely,
Bohannan Huston

Albert M. Thomas, P.E.
Vice-President & Managing Partner
Traffic & Transportation Group

AMT/jc
Enclosure

cc: Amar Tesch, Tesch Development
George Rainhart, Architects & Associates
Richard Dourte, City of Albuquerque
Tony Loyd, City of Albuquerque
Jim Barr, City of Albuquerque

~~80~~ 57

Table 1 – Approved Trip Generation As Per Traffic Study

Land Use (ITE Code)	24 Hour Two - Way Volume	AM Peak Hour Enter	AM Peak Hour Exit	PM Peak Hour Enter	PM Peak Hour Exit
Hotel - 200 rooms (310)	1,740	80	54	82	70
General Office - 331,700 sf (710)	3,474	432	53	76	373
Walgreens - 15,600 sf					
Pass-By (20% PM only)				35	33
Non Pass-By		49	45	140	132
Retail 19,500 sf (820 Shop. Ctr.)					
Pass-By				70	70
Non Pass-BY	2,544	39	23	116	116
Quality Restaurant - 14,000 sf (831)	1,344	0	0	69	34
Total without Movie Theater					
Pass-By				105	103
Non Pass-By		600	175	483	725
5% peak hour trip reduction for mixed use development		30	9	29	41
Total with reduction					
Pass-By				100	98
Non Pass-BY		570	166	459	689
Movie Theater - 90,000 sf (444). Based on 16-screen movie theater 250 seats per screen.		0	0	293	187
Total with Theater and reduction					
Pass-By				100	98
Non Pass-By		570	166	752	876

Table 2 – Proposed Trip Generation

Site Plan Land Use	Land Use – (ITE Code)	24 Hour Two - Way Volume	AM Peak Hour Enter	AM Peak Hour Exit	PM Peak Hour Enter	PM Peak Hour Exit
Movie Theater (Located Above Parking Garage)	Movie Theater – 70,000 sf. Based on 3,000 seats (14 screens) *	5,280	0	0	256	164
Hotel	Hotel – 300 rooms (310)	2,469	102	66	96	87
Restaurant 1	Quality Restaurant – 8,500 sf (831)	765	0	0	43	21
Restaurant 2	Quality Restaurant – 10,500 sf (831)	944	0	0	53	26
Retail 1	Retail - 26,000 sf (815 Free Stnding)	1,472	17	9	55	55
Retail 2	Retail - 12,500 sf (815 Free Stnding)	708	8	4	27	27
Retail 3, 4, 5, 6 & 7	Retail - 16,845 sf (814 Spclty Rtl. Ctr.)	685	0	0	19	25
Shops in Theater	Retail - 8,000 sf (814 Spclty Rtl. Ctr.)	325	0	0	9	12
Shops (Food Court)	High Turnover Restaurant– 3,225 sf (832)	420	16	14	21	14
	Total without General Office	13,068	143	93	579	431
Vacant Parcel	General Office – 36,000 sf (710)	396	49	7	9	45
	Total with Office	13,464	192	100	588	476

* Based on rate provided by City of Albuquerque, 24 Hour volume from ITE Trip Generation Manual

Note: The proposed 14 screen movie theatre will replace the 12 screens of movie theatre the currently exists in the Uptown area.

DEVELOPMENT REVIEW BOARD
ACTION SHEET

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

November 20, 2002 9:00 a.m.

MEMBERS:

Roger Green, Acting DRB Chair
Claire Senova, Administrative Assistant

Richard Dourte, Transportation Development
Brad Bingham, Alternate City Engineer

Sheran Matson, Planning
Christina Sandoval, Parks & Recreation

****

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946 (VOICE) OR TELETYPEWRITER (TTY) 924-3361 - TTY USERS MAY ALSO ACCESS THE VOICE NUMBER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE BOARD SECRETARY MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. **Call to Order: 9:00 A.M.** **Adjourned: 12:12 P.M.**
B. Changes and/or Additions to the Agenda
C. Announcements

1. **Project # 1001594**
02DRB-01621 Major-Bulk Land Variance
02DRB-01622 Major-Vacation of Pub Right-of-Way
02DRB-01623 Minor-Prelim&Final Plat Approval

COMMUNITY SCIENCES CORPORATION agent(s) for INVESTMENTS & CONSTRUCTION request(s) the above action(s) for UNPLATTED TRACTS, **SALAZAR & DAVIS TRACTS,** zoned MULTIPLE, SEE RIO BRAVO SECTOR DEVELOPMENT PLAN, located SOUTH AND EAST OF CARTAGENA AVE SW, between DELGADO DR SW (IF EXTENDED SOUTH) and SNOW VISTA DIVERSION CHANNEL containing approximately 300 acre(s). [REF: 01500-01652, 01792 SK, Z-99-58] (N-9) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO TRANSPORTATION.**

2. **Project # 1002033**
02DRB-01655 Major-Vacation of Public Easements

HARRIS SURVEYING INC. agent(s) for BEALHEN CONSTRUCTION request(s) the above action(s) for all or a portion of Lot(s) 10, **SANDIA GLO SUBDIVISION,** zoned R-D residential and related uses zone, developing area, located on SANDIA GLO CT NE, between CORONADO AVE NE and KARAK RD NE containing approximately 1 acre(s). [REF: 02EPC-01195, 02DRB-00935, V-97-138, S-99-39] (D-21) **THIS VACATION ACTION WAS REMANDED BACK TO DRB FROM EPC. VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**

3. **Project # 1002315**
02DRB-01650 Major-Preliminary Plat Approval
02DRB-01651 Major-Vacation of Pub Right-of-Way
02DRB-01652 Major-Vacation of Public Easements
02DRB-01653 Minor-Temp Defer SDWK
02DRB-01654 Minor-Sidewalk Waiver

BOHANNAN HUSTON, INC. agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **THE WILDERNESS @ HIGH DESERT,** zoned SU-2, HD, R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND, containing approximately 73 acre(s). [REF: 02DRB-01646] [DEFERRED FROM 11/20/02, PP, TDS, SW) (F-23) **THE VACATION (02-01651) FOR ITEM 4 WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE VACATION OF THREE DIFFERENT EASEMENTS (02-01652) WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION: THE VACATION OF EASEMENT 30 IS APPROVED WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT APPLICATION # 02-01653**

60'

APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION: THE VACATION OF EASEMENT 30 IS APPROVED WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT, APPLICATION # 02-01653, FOR TEMPORARY DEFERRAL OF SIDEWALKS AND APPLICATION # 02-01654 FOR SIDEWALK WAIVER WERE DEFERRED AT THE AGENT'S REQUEST TO 12/4/02.

4. **Project # 1002318**
02DRB-01649 Major-Bulk Land Variance
02DRB-01656 Minor-Prelim&Final Plat Approval

BOHANNAN HUSTON INC agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **HIGH DESERT, (to be known as THE WILDERNESS @ HIGH DESERT,** zoned SU-2 / HD R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND containing approximately 73 acre(s). (F-23) **BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS WITHDRAWN AT THE AGENT'S REQUEST.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)
NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

5. **Project # 1000226**
02DRB-01739 Minor-SiteDev Plan BldPermt/EPC

DORMAN-BREEN ARCHITECTS agent(s) for CROSS OF HOPE LUTHERAN CHURCH request(s) the above action(s) for all or a portion of Tract(s) S-1-B, **TAYLOR RANCH,** zoned SU-1 special use zone, for church & related facilities, located on TAYLOR RANCH DR NW, between MONTANO RD. NW and KACHINA ST. NW containing approximately 4 acre(s). [REF: Z-80-74-2, 02EPC-01349] **[Juanita Vigil, EPC Case Planner]** (E-11) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT AND TRANSPORTATION DEVELOPMENT.**

TRANSPORTATION VELOPMENT.

*
*
*
*

6. **Project # 1001124**
02DRB-01734 Minor-SiteDev Plan
BldPermit/EPC

PHILIP PELZMAN agent(s) for CHRIST LUTHERAN CHURCH & SCHOOL request(s) the above action(s) for all or a portion of Lot(s) 40, Block 40, **BROAD ACRES,** zoned SU-1 Church & related facilities, located on PENNSYLVANIA NE, between CANDELARIA NE and LOUISIANA NE containing approximately 5 acre(s). [REF: Z-96-1, DRB-96-219, 01410-00357 (VPE), ZA-68-71-1] **[Debbie Stover, EPC Case Planner]** (G-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT AND PLANNING.**

7. **Project # 1001565**
02DRB-01713 Minor-SiteDev Plan
BldPermit/EPC

GREAT BASIN ENGINEERING agent(s) for SMITH'S FOOD & DRUGS request(s) the above action(s) for all or a portion of Tract(s) J-1, **REPLAT OF FOUR HILLS SHOPPING CENTER AND APARTMENT COMPLEX,** zoned C-2 community commercial zone, SHOPPING CENTER SITE, located on TRAMWAY BLVD SE, between CENTRAL AVE SE and WENONAH AVE SE containing approximately 9 acre(s). [REF: 01EPC-01544, ZA-96-146, ZA-92-93, V-89-88, Z-84-124-1] **[Debbie Stover, EPC Case Planner]** (L-22/23) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING.**

8. **Project # 1002324**
02DRB-01741 Minor-SiteDev Plan
BldPermit
02DRB-01742 Minor-SiteDev Plan
Sub

KEN HOVEY agent(s) for MOCHO,OLSON, CHANEY & MOCHO LLP request(s) the above action(s) for all or a portion of Block(s) 4, Tract(s) 7-A, Unit B, **NORTH ALBUQUERQUE ACRES,** (to be known as **VENICE BUSINESS CENTER,** zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**

Sub

BUSINESS CENTER, _oned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**

9. **Project # 1002337**
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC
02DRB-01710 Minor-SiteDev Plan Subd/EPC

HERB DENISH AND ASSOCIATES, INC. agent(s) for UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING. THE INFRASTRUCTURE LIST DATED 11/20/02 WAS APPROVED.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

10. **Project # 1001558**
02DRB-01714 Minor-Prelim&Final Plat Approval

BURTON ENGINEERS INC. agent(s) for CORONADO PARK LTD. request(s) the above action(s) for all or a portion of Tract(s) A, **CORONADO VILLAGE,** zoned SU-2 MUD, located on the northwest corner intersection of I-25 and PASEO DEL NORTE NE containing approximately 58 acre(s). [REF: 01420—01520 (VPE on 11/14/01) (C-17) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO CITY ENGINEER AND TRANSPORTATION DEVELOPMENT.**

11. **Project # 1002221**
02DRB-01738 Minor-Amnd Prelim Plat Approval

BOHANNAN HUS N, INC. agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) J, VENTANA RANCH, **VITTORIA SUBDIVISION @ VENTANA RANCH,** zoned R-2, located on PASEO DEL NORTE NW, between UNIVERSE BLVD NW and PARADISE BLVD NW containing approximately 21 acre(s). [REF: 02DRB-1563] (B-10) **THE AMENDED PRELIMINARY PLAT WAS APPROVED AND THE AMENDED GRADING PLAN ENGINEER STAMP DATED 11/12/02 WAS APPROVED. THIS AMENDMENT DOES NOT EXTEND THE EXPIRATION DATE OF THE APPROVED PRELIMINARY PLAT.**

12. **Project # 1002324**
02DRB-01740 Minor-Prelim&Final Plat Approval

ISAACSON & ARFMAN, PA agent(s) for MOCHO, OLSON, CHANEY & MOCHO, LLP. request(s) the above action(s) for all or a portion of Lot(s) 7A, Tract(s) A, Block 4, Unit B, **NORTH ALBUQUERQUE ACRES,** zoned IP, located on BEVERLY HILLS AVE NE, between VENICE AVE NE and I-25 containing approximately 6 acre(s). [REF: 00410- 01540, 02-01670 (SK)] (B-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

13. **Project # 1000267**
02DRB-01555 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST, LTD. agent(s) for BILL WADE / UPWEST CORP. request(s) the above action(s) for all or a portion of Lot(s) 13 & 14, **BREEZE @ SOUTH PEAK,** zoned R-3 residential zone, located on OCEAN BREEZE DR NE, between CHELWOOD PARK BLVD. NE and EASTRIDGE DR. NE containing approximately 1 acre(s). [REF: 02DRB-00954 SIA, 00460-00223 SK,00440-01100 FPA,00410-00399] [INDEFINITELY DEFERRED FROM 10/23/02 AND 11/20/02] (J-22) **INDEFINITELY DEFERRED ON A NO SHOW.**

NO ACTION IS TAKEN ON THESE CASES:
IF APPLICANT IS NOT PRESENT, COMMENTS WILL BE FORWARDED

14. **Project # 1000390**
02DRB-01737 Minor-Sketch Plat or Plan

BOHANNAN HUSTON ;ent(s) for LAS VENTANAS LIMITED PARTNERSHIP. request(s) the above action(s) for all or a portion of Tract(s) H, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the southeast corner of UNIVERSE NW and PARADISE BLVD NW containing approximately 16 acre(s). [REF: 01410-01495] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

15. **Project # 1002346**
02DRB-01735 Minor-Sketch Plat or Plan

BOHANNAN HUSTON agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) G, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the northeast corner of UNIVERSE BLVD NW and PARADISE BLVD NW and containing approximately 13 acre(s). [REF: DRB-96-6, (1000390)] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

16. **Project # 1001986**
02DRB-01715 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOC. agent(s) for RIO OESTE DEVELOPMENT, LLC request(s) the above action(s) for all or a portion of Tract(s) D & E, **TAYLOR RANCH,** zoned R-1 residential zone, located on the WEST SIDE OF COORS BLVD NW, between LA ORILLA RD NW and VILLA CORTA DEL SUR NW containing approximately 10 acre(s). [REF: 02EPC-00834, 02EPC-00835] (E-12) **THE ABOVE REQUEST WAS**

17. **Project # 1002342**
02DRB-01720 Minor-Sketch Plat or Plan

MARK GOODWIN ASSOCIATES, PA agent(s) for MEL FAMIE, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-3, **CLYDE LELAND SUBDIVISION,** zoned R-T residential zone, located on ATRISCO DR NW, between LEGENDS AVE NW and WESTERN TRAIL NW containing approximately 3 acre(s). [REF: Z-85-138-502] (F-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. **Project # 1002345**
02DRB-01733 Minor-Sketch Plat or Plan

CLINT SHERRILL & ASSOCIATES agent(s) for GOLDEN VENTURES, LLC, ROBERT SHAFFER JR. request(s) the above action(s) for all or a portion of Lot(s) 3, Unit 1, **BROADWAY INDUSTRIAL CENTER,** zoned SU-2 special neighborhood zone, HM, located on the east end of SAN JOSE AVE SE, between KARSTEN CT SE and SOUTH I-25 containing approximately 14 acre(s). [REF: DRB-97-271, (1000131) 02DRB-00109] (M-14) **THE ABOVE REQUEST WAS REVIEWED AND**

19. **Project # 1002347**
02DRB-01736 Minor-Sketch Plat or Plan

RICHARD HUDSON agent(s) for LAUREANO MEDRANO request(s) the above action(s) for all or a portion of Lot(s) 36 & 37, Block B, **MONKBRIDGE ADDITION,** zoned M-1, located on HEADINGLY NW, between 2ND STREET NW and 1ST STREET NW containing approximately 1 acre(s). (G-15) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20. **Project # 1002002**
02DRB-01743 Minor-Sketch Plat or Plan

ADVANCED ENGINE .ING & CONSULTING, LLC agent(s) for RETAIL DEVELOPMENT INC., LLC request(s) the above action(s) for all or a portion of **BEAR CANYON ARROYO, SAN MATEO DEL NORTE,** zoned C-3 heavy commercial zone, located WEST OF SAN MATEO BLVD NE, between OSUNA RD NE and ACADEMY RD NE containing approximately 5 acre(s). [LISTED AS PROJECT #1002348 WHICH WAS INCORRECT] (E-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

21. Approval of the Development Review Board minutes for 10/30/02 and 11/6/02. **THE MINUTES WERE APPROVED SUBJECT TO CHANGES BY THE BOARD.**

ADJOURNED: 12:12 P.M.

Comments to:

Joe McSorley
Planning Department
1 Civic Plaza NW
Albuquerque, NM 87103
(505)924-3861

EMAIL

c: 2002 City of Albuquerque | Disclaimer | Privacy Statement

DRB LEGAL AD FOR THE EPC HEARING 1/16/03

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
LAND DEVELOPMENT COORDINATION DIVISION

02EPC-01836 (SBP) and 02EPC-01837 SPS)Project # 1002337 02DRB-01708 Minor-Site Dev Plan BldPermit/EPC 02DRB-01710 Minor-Site Dev Plan Subd/EPC	Rodey Dickason Sloan Akin & Robb PA, Michelle Henrie, appeals the Development Review Board's approval of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) Bob Paulsen, EPC Case Planner.

#10

Planning Department

Development Services Division

Memorandum

To: Roger Green, Acting DRB Chair

CC: Victor Chavez, Russell Brito & Paula Donahue

From: Bob Paulsen, Principal Planner

Date: 11/12/2002

Re: **Request for final sign-off of Uptown Spectrum II, Project # 1002337, applications: 02-01708 (SBP), 02-01710 (SPS)**

The above referenced projects constitute a request for DRB Final Sign-Off on EPC-approved site development plans for subdivision and building permit. The applicant is Hunt Uptown, LLC.

The EPC approved both site development plans for this 9.63-acre site on October 15,1998. The plans were approved contingent on City Council approval of an amendment to the Uptown Sector Development Plan to increase the allowable percentage of retail development within the Intense Core from 10% to 20%, and to increase the amount of retail floor area in a free-standing building from 20,000 sf to 26,000 sf. These amendments were approved by City Council on February 1, 1999.

More recently, an application for a site development plan for subdivision was submitted for EPC approval by Hunt Uptown, LLC (Project # 1002247) for the former St. Pius property and the former Monroe School site (scheduled for EPC hearing on December 5, 2002). The Uptown Spectrum II site is within the boundaries of this EPC request.

Of relevance to the DRB hearing on November 13th, the Uptown Spectrum II site development plans are inconsistent with the larger Hunt Uptown submittal. Consequently, there are two separate and conflicting submittals, on separate City of Albuquerque review/approval tracks, concerning the one piece of property. This circumstance must be rectified before the DRB can consider final sign-off on either of the two site development plans which make up the current DRB applications.

Consequently, a deferral is recommended until the applicant resolves the aforementioned circumstance.

69

#9

Planning Department

Development Services Division

MEMORANDUM

To: Roger Green, PE, Acting DRB Chair

CC: Victor Chavez, Sheran Matson, Joel Wooldridge, Paula Donahue

From: Bob Paulsen, Principal Planner B.P.

Date: 11/19/2002

Re: **Comments to DRB on Uptown Spectrum II, Project # 1002337**

#15 EPC to EPC on 12/5/02

This memo is a follow-up to a memo provided to the DRB on November 11, 2002 regarding the request by Hunt Uptown II, LLC for Final DRB sign-off on Uptown Spectrum II site development plans for subdivision and building permit, otherwise known as Z-98-123, for the 9.63-acre Monroe Junior High School site at the Southeast quadrant of Louisiana Boulevard and Indian School Road NE.

Since the November 11th DRB hearing, Hunt Uptown has amended their request for site development plan for subdivision approval to the EPC (Project # 1002247, scheduled for hearing on December 5th), removing the 9.63-acre subject site from the EPC submittal. Hunt Uptown provided written notification of their intent to modify Project # 1002247 by way of letter dated November 12, 2002. Consequently, the prime reason for the previous deferral recommendation has been removed. The following comments respond to the DRB submittal, in particular how the applicant has addressed the Conditions of Approval imposed by the EPC at a hearing on October 15, 1998.

It is important to note that two of the EPC Conditions on the site plan for building permit (Conditions 15 and 21) require a review action by a now defunct "*site plan review committee*" of the EPC. Because this committee no longer exists, and neither the EPC nor the Planning Department has any intention of reviving this committee, the Planning Department, with consent of the applicant and the EPC Chairman, is placing these two items on the aforementioned December 5th EPC agenda. At the December 5th EPC hearing the Planning Department will request review and direction from the EPC in determining whether the referenced Conditions have been satisfied. Therefore, a final sign-off on the site development plan for building permit (by the DRB) will not be possible until the EPC provides direction on the satisfactory completion of these conditions. However, resolution of this matter, in and of itself, does not require a DRB deferral. All other review by the DRB can proceed independent of this issue.

As subsequent comments in this memo indicate, several issues and questions require resolution prior to final sign-off.

Below is an abbreviated description of the EPC Conditions followed by staff response **in bold text**. Please note that the applicant has included a full articulation of the EPC Conditions on the submitted site development plan and has provided a response to these conditions in a letter dated November 5, 2002 to Roger Green, Acting DRB Chair.

SITE DEVELOPMENT PLAN FOR SUBDIVISION

1. Transportation Division conditions: A - E.

   These items require review by others.

2. DRB submittal must meet all EPC conditions; a letter from the applicant shall indicate this.

   A letter detailing how conditions have been satisfied is provided.

   A Site Development Plan for Subdivision sheet is strongly recommended as a component of this submittal. At minimum, it should include a signature block and it should clearly indicate property lines, tract designations and other required components of a Site Plan for Subdivision as defined in the Zoning Code. The current submittal does not distinguish between the Site Plan for Subdivision and the Site Plan for Building Permit, which reflects the EPC submittal; yet, for administrative purposes, the DRB should require clear separation between these types of plans since two distinct approvals are being pursued.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

1. Participation in a TMO....

   To be confirmed by the Transit Department.

2. Submit to DRB detailed plans, including building elevations....

   As the applicant notes, this condition must be reviewed in light of condition 15 which provides that architectural guidelines to be submitted in lieu of building elevations for the proposed restaurant(s). As applicant also notes, building footprints and square footage calculations generally reflect the EPC-approved plan. However, an apparent discrepancy between the EPC plans and the DRB submittal is the exclusion of a "shops" building adjacent to the SE corner of the theater; this building is not included in the DRB submittal. Also, the theater footprint has been adjusted it the DRB submittal and the square footage has expanded to 33,000, from 30,000 sf (Lobby and Auditoriums) as shown in the EPC approval. In addition, Parking Garage 1 (adjacent to the theater) has diminished in size to

accommodate the theater expansion and apparently the some of the below grade parking area has been eliminated. The applicant will need to explain and justify these apparent adjustments.

As required, landscaping and building elevation details and enhancements have been provided which are generally consistent with the stylistic elements, colors and materials indicated in the EPC-approved submittal. The proposed hotel, however, is seemingly lacking in architectural interest and stylistic detail, resulting in a prominent building that is arguably less compelling than other proposed buildings, including the proposed parking garages.

All building elevation drawings must be accurately dimensioned, including typical dimensions of doors, windows and other architectural features.

3. Submittal of a complete landscape plan including placement of benches, trees, and irrigation. Plaza areas must be drawn at a 1:10 scale.

As the applicant's submittal letter indicates, a complete landscape plan with the required enlargements has been provided. However, it is unclear where the freestanding light fixtures will be located. And, it would seem odd that benches are not provided in Plaza 2 which is adjacent to the theater lobby.

Additional street trees are required to meet City requirements. Also, additional plantings may be required at the south end of the site near the refuse container.

4. Submittal of drawings showing design enhancement of pedestrian path north, east of Retail 1 ... which make the path safe and attractive.

This has been accomplished with skylights, benches and "show windows."

5. The north face of Garage 1 shall be enhanced with display windows.

As noted, "show windows" or display windows have been added.

6. The applicant must conform to ADA provisions, with pedestrian ramps given locational priority over stairs.

It appears that the design has been revised to meet ADA requirements and provide convenient access to mobility impaired visitors. ADA compliance will also be reviewed and required through the building permit process with submittal of construction plans.

7. Building and Plaza signage, lighting and ornamentation shall substantially conform to illustrations submitted to the EPC. Permitted ornamentation shall include one or more of the following per

tenant space: awnings, banners/flags, light fixtures, landscaping, pedestrian features, other elements....

While the submittal suggests that the site design will satisfy this condition, the specifics are unclear. For example, how extensively, if at all, will banners or awnings be used? And, as raised previously, where will site lighting be located and what is the height of the freestanding lights? Also, how extensively will recessed lighting be used? Is there any building-mounted lighting? These issues must be addressed by the applicant.

8. Illuminated signage is not permitted on the east building facades above 26' in height.

The plan is in compliance.

9. Monument signs shall not be higher than 10' or greater than 100 sf. The number of monument signs is limited to 4....

On sheet 21/21, the plans specify that monument signs are 9.0' high, 5.0' wide, or 45 sf in area; this is not consistent with information on sheet 12/21. Further, it appears that 6 monument signs are specified on the submitted plans, exceeding the number allowed by 2.

10. Signage criteria (as submitted to EPC) is required.

The flags and banners reference has been eliminated. The remaining signage criteria is provided as required. The Zoning Enforcement office will be asked to review the submittal for compliance with the signage provisions of the Uptown SDP and the Zoning Code.

11. Standard parking spaces are 20' x 8.5'.

Plan notations are in compliance as long as a 2' overhang space is available where required.

12. Provide pedestrian connections to adjacent Winrock Center uses with textured crosswalk crossing the loop road. A connection across Americas Parkway at mid site along the east side shall be 20' wide directly north of the access road. All interior drive aisle crossings shall have textured pavement 8 feet wide.

Note on Sheets 1 and 2 that all interior drive aisle crossings shall have 8' wide textured pavement; the Loop Road crossing is in compliance.

13. Comply with Transportation Development comments: A - H.

To be assessed by others.

14. A letter to DRB shall indicate how the side plan has been modified to meet EPC conditions.

This condition has been satisfied.

15. The restaurant shall be architecturally integrated into the overall site architecture. Guidelines shall be submitted to the EPC site plan review committee.

Sheet 17/21 has been submitted to satisfy this condition. As noted previously in this memo, the Planning Department is requesting review and direction from the EPC at a public hearing on December 5th in regards to this condition.

16. Street trees shall be added at 30 feet o.c. on the west side of the restaurant on Louisiana.

This condition has been satisfied.

17. Delete the walkways shown on the east, west and south side of the parking garage # 2, and convert to landscaping.

This condition has been satisfied.

18. Improve pedestrian connections from garage 2 to pedestrian ways to the east, west and south of site.

This condition has been satisfied.

19. Widen the sidewalk directly to the east of the south restaurant; the sidewalk runs in a east/west direction. Shade trees shall be added at 25' o.c. along the pedestrian way.

This condition has been satisfied.

20. Housing units shall be added to the site at a rate of 1 per 2000 sf of retail above the 10% level, up to a maximum of 20% of retail on the site. Parking shall be required at 1 space per unit.

This condition has been satisfied.

---

21. Each housing unit shall have a min. of 80 sf of open space adjacent to the unit in the form of decks, terraces or patios and a max. of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

As noted by the applicant, each housing unit has a deck or balcony which satisfies this requirement. As previously noted, this condition will be reviewed by the EPC on Dec. 5th.

Planning Department

Development Services Division

Memorandum

To: Alan Schwartz, EPC Chair, & Commissioners

CC: Victor Chavez, Planning Director & Joel Wooldridge, Advance Planning Manager

From: Bob Paulsen, Principal Planner B.P.

Date: 12/03/2002

Re: **Request for EPC review and direction regarding DRB final sign-off on Project #10002337 relating to 2 Conditions imposed by the EPC on case Z-98-123.**

The Planning Department requests EPC review and direction regarding two Conditions imposed by the EPC on October 15, 1998 to a site development plan for building permit. The project site is the 9.63-acre portion of Tract A of the Winrock Center Addition located at southeast quadrant of the intersection of Louisiana Boulevard NE and Indian School Road in the Uptown area; this is the former Monroe Junior High School site. At the time of EPC approval, this project was known as Uptown Spectrum II. The two Conditions in question reference the EPC "site development plan review committee" and required the applicant to submit additional information to the committee for its review and approval. The committee's approval was required prior to DRB final sign-off.

The two Conditions requiring EPC attention are Conditions 15 and 21 (refer to the attached Notice of Decision, Z-98-123). The Conditions read as follows:

15. **The restaurant shall be architecturally integrated into the overall site architecture period. Guidelines shall be developed and submitted to the EPC site plan review committee.**

21. **Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.**

The reason this matter is being brought before the entire EPC is that the "site plan review committee" no longer exists. It has been defunct for several years and there appears to be no interest in its reestablishment. So, with the consent of the applicant and Chairman

Schwartz, it was determined that the most appropriate recourse was to bring this matter back before the full EPC at an advertised hearing.

Planning Department staff is requesting that the EPC review the applicant's DRB submittal as it relates to these two Conditions and determine whether the Conditions have been satisfied. (The applicant will be providing a letter to the EPC along with relevant sheets from the DRB submittal.) There are perhaps three basic directions that the EPC can take on this matter:

1. The EPC may determine that the Conditions have been satisfied as shown in the applicant's submittal and instruct Planning staff to consider the DRB submittal satisfactory in this regard.
2. The EPC may determine that specific adjustments or information must be provided by the applicant before the Conditions are satisfied. In this event, the EPC should advise staff as to what specific changes are needed and staff can ensure that the EPC's directive is satisfied by the applicant before DRB sign-off occurs.
3. The EPC may determine that site plan submittal requires further adjustment or information and that the applicant shall provide the EPC with new information at a future date. DRB final sign-off could not occur until the EPC's concerns are satisfied.

Please note that the current EPC review should be limited to an assessment of the site plan for building permit submittal as it relates to Conditions 15 and 21.

For background purposes, the EPC should understand that the site plan for building permit was part of a three-component application consisting of the following:

1. A text amendment to the Uptown Sector Development Plan to allow for retail floor space to increase from 10% to 20% within the Intense Core area and to allow an increase in retail floor area in a free-standing building from 20,000 square feet to 26,000 sf. This sector plan amendment was subsequently approved by the City Council in early 1999 allowing for expanded retail development and requiring a housing component for retail development which went beyond the 10% level.
2. A site plan for subdivision for the 9.63-acre which divided the site and established a portion of the alignment for the Loop Road, Americas Parkway.
3. A site plan for building permit specifying the development perimeters for the 7.52-acre phase I of the project, including 455,570 sf of mixed-use development.

Attachments:

- Official Notice of Decision for Z-98-123
- Memorandum to Roger Green, Acting DRB Chair, from Bob Paulsen on 11/12/2002
- Memorandum to Roger Green, Acting DRB Chair, from Bob Paulsen on 11/19/2002

Planning Department

Development Services Division

Memorandum

To: Roger Green, PE, Acting DRB Chair and Sheran Matson, DRB member

CC: Victor Chavez, Planning Director

From: Bob Paulsen, Principal Planner B.P.

Date: 12/18/2002

Re: **Final Comments to DRB on Uptown Spectrum II, Project # 1002337**

This memo follows up a memo provided to the DRB on November 19, 2002 regarding the request by Hunt Uptown II, LLC for Final DRB sign-off on the Uptown Spectrum II site development plans for subdivision and building permit, otherwise referenced as Z-98-123, for the 9.63-acre Monroe Junior High School site at the Southeast quadrant of Louisiana Boulevard and Indian School Road NE.

Project drawings have been resubmitted by the applicant with adjustments made in order to satisfy the EPC conditions. The revised drawings are the subject of this review. For background information, please refer to memos from me to you dated November 12, 2002 and November 19, 2002 along with an associated memo to Alan Schwartz, EPC Chair, dated December 2, 2002. In addition to the revised drawings, the applicant (Lawrence Kline, agent) has submitted a letter (dated December 16, 2002) to me (attached) specifying the adjustments to the drawings that have been made based on my previous comments.

Of special note, on December 5, 2002, the EPC determined that Conditions 15 and 21 imposed on the site development plan for building permit (Z-98-123) have been satisfied by the applicant. The required adjustments to the site plan are included in the revised submittal. Therefore, These two conditions have been satisfied.

Upon review, I conclude that all EPC conditions as specified in the approval of Z-98-123, have been satisfied as depicted in the site development plan drawings and as specified in associated materials provided to me on December 16, 2002 and as transmitted herewith.

[redacted] 77

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
WILLIAM S. DIXON
JOHN P. BURTON
REX D. THROCKMORTON
JONATHAN W. HEWES
RICHARD C. MINZNER
W. ROBERT LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG

CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
R. TRACY SPROULS
KARLA K. POE
ALAN HALL
BRIAN H. LEMATTA
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
DIANA V. SANDOVAL
BRENDA MALONEY-HERMANN
MATTHEW S. WERMAGER
LARRY J. MONTAÑO

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
COUNSELORS AND ATTORNEYS AT LAW
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WEB-SITE: WWW.RODEY.COM
E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
DONALD B. MONNHEIMER
JULIE P. NEERKEN
ROBERT G. McCORKLE
PABLO PRANDO

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER
505-768-7394
mhenrie@rodey.com

November 12, 2002

Via Hand Delivery

Roger Green
Acting Chair, DRB
Planning Department, City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87103

RECEIVED
NOV 12 2002
PWD/DESIGN REVIEW

Re: Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

Dear Mr. Green:

This office represents the PruWinrock, LLC, the owner of Winrock Shopping Center. We were surprised to see the above-referenced matters listed on the Development Review Board's agenda for tomorrow, November 13, 2002. We had understood that the property owner of the old Monroe Junior High School site, Hunt Uptown II, LLC, was working in conjunction with the owner of the old St. Pius High School Site, Hunt Uptown LLC, to develop a "unique, upscale living/working/shopping environment that respects traffic and air quality issues." It was represented to our client and to the public that the two Hunt projects were integrated and planned in concert. We now are not sure what is being planned.

Because yesterday was a holiday, we were not able to learn anything about the new proposal for the Monroe site until today– one day before the hearing. This morning we received some information. As of this afternoon, we still have not seen any of the 21 plats that accompany the application. We have not been able to adequately analyze how the proposal may impact our client, an adjacent property owner. If the proposed minor site plans affect our client or others, it is imperative that DRB is aware of the impact under Section 14-16-2-22(A)(6) of the City's Zone Code.

Because our client and the public had been expecting the Hunt projects to develop differently than they now seem to be developing, and because the original EPC approvals for the Monroe site were given more than four years ago, and because Uptown has changed in the past four years, DRB should– at a minimum– defer acting on this matter until it has had an opportunity to hear

from adjacent property owners and the neighborhood associations– all of whom might be substantially aggrieved by the altered plan. The safest course of action would be to notice the matters pursuant to Section 14-16-2-22(A)(6).

We respectfully request that you defer hearing the above-referenced matters and notice the matters for the next meeting of the DRB.

Yours truly,

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: _____
Michelle Henrie

mh

cc (via hand delivery):

Bob Paulsen, Staff Planner, City of Albuquerque Planning Department
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
Lawrence S. Kline, Herbert M. Denish & Associates, Inc.

cc (via mail):

Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
Charles E. Miller, Prudentiai Real Estate Investors
Shelton Weeks, Manager, Prizm Partners
John P. Salazar
Members of Uptown Neighborhood Associations:
Bill Sterchi
Lynn Tabor
Stephen Verchinski
Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil

RECEIVED
NOV 12 2002
PWD/DESIGN REVIEW

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
Mr. Green
November 12, 2002

Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Deborah Prusia
Michael Clendenin
Tom Joule
Richard Peterson
John Kinney
Susan McIntyre
Virginia Emmett
Randy Sanchez, General Manager, Coronado Center

RECEIVED
NOV 12 2002
PWD/DESIGN REVIEW

#7 11/20/02

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
WILLIAM S. DIXON
JOHN P. BURTON
REX D. THROCKMORTON
JONATHAN W. HEWES
RICHARD C. MINZNER
W. ROBERT LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG

CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
R. TRACY SPROULS
KARLA K. POE
ALAN HALL
BRIAN H. LEMATTA
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
DIANA V. SANDOVAL
BRENDA MALONEY-HERMANN
MATTHEW S. WERMAGER
LARRY J. MONTARO

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
COUNSELORS AND ATTORNEYS AT LAW
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WEB-SITE: WWW.RODEY.COM
E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
DONALD B. MONNHEIMER
JULIE P. NEERKEN
ROBERT G. McCORKLE
PABLO PRANDO

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER
505-768-7394
mhenrie@rodey.com

November 19, 2002

Via Hand Delivery

Roger Green
Acting Chair, DRB
Planning Department, City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87103

Re: Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

Dear Mr. Green:

This office represents PruWinrock, LLC, the owner of Winrock Shopping Center. We delivered a letter to you last week asking that the above-referenced matter be deferred from the Development Review Board's ("DRB's") agenda on November 13, 2002. We appreciate that the DRB was able to defer the matter.

The owner of the old Monroe Junior High School site, Hunt Uptown II, LLC, was originally working in conjunction with the owner of the old St. Pius High School site, Hunt Uptown LLC, to develop an integrated project for the two sites called ABQuptown. ABQuptown was unveiled to the public with a good deal of fanfare. A Site Plan for Subdivision for ABQuptown (Project # 1002247) is now before the Environmental Planning Commission ("EPC"), and the hearing is scheduled for December 5, 2002. However, by a letter to Paula Donahue dated November 14, 2002, Hunt Uptown II, LLC asked that the Monroe site be removed from consideration in the ABQuptown Site Plan for Subdivision. We understand this to mean that Hunt Uptown II, LLC has withdrawn the Monroe site from the ABQuptown project and from its request for a Site Plan for Subdivision.

It seems to us that the Hunt entities' projects need to be reviewed together. This includes the ABQuptown project and the Uptown Spectrum project. The Uptown Sector Development Plan ("Uptown Plan") amendments proposed by the Hunt entities should also be reviewed simultaneously. The ABQuptown project and the Uptown Plan amendments are pending before the EPC on December 5, 2002. At a minimum, we think that it would be appropriate to remand

the Uptown Spectrum project to EPC for a second review on December 5, 2002 (assuming their agenda has room) for the following reasons:

1. We are still confused about what the Hunt entities intend to build. The Hunt entities put forward proposed Uptown Plan amendments (Project # 1002124) on July 25, 2002, only to withdraw these amendments and submit new ones on September 16, 2002. On September 26, 2002, they submitted materials discussing the ABQuptown project, but not a normal site plan. As mentioned above, they have now withdrawn the Monroe site from the ABQuptown project. It is not clear whether there is anything remaining of the original ABQuptown concept if there is no coordination between the Monroe site and the St. Pius site. Further, the fact that Hunt Uptown II, LLC has now revived the old Uptown Spectrum plan adds to our confusion.

2. EPC reviewed and approved the Uptown Spectrum plans more than four years ago. To our knowledge. it is unprecedented for an applicant to revive plans that ere tabled midstream and never received final approval. Stated alternatively, this matter sets a precedent for all other applications that have been tabled, dropped, delayed, or basically forgotten somewhere along the way prior to receiving final approval. Does it make sense to recussitate something after a four year delay? The EPC should reconsider these plans in the context of *today's* Uptown.

3. As a condition of approval, the EPC required that housing be included in the project *and* the EPC retained jurisdiction for review of the housing. The original applicant for the Uptown Spectrum project did not propose any housing for the site. The EPC expressly added the housing requirement as a condition of approval. It also concurrently caused the Uptown Plan to be amended to include a housing component as a second step in ensuring that housing would be incorporated into this project. As a third step, the EPC retained jurisdiction over the project. Condition Number 21 to the Site Plan for Building Permit states that "[t]he revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal." There is no indication that this was ever done.

4. The Uptown Spectrum Project Isn't a Minor Site Plan for Subdivision. A minor subdivision is one that does not require installation of any significant infrastructure. (§14-14-1-6, Definition of "Subdivision, Minor"). The applicant's infrastructure list shows a new traffic signal, modifications to an existing traffic signal, seven turn lanes, two bus bays, and yards of sewer, water, and storm drain improvements. The new traffic light alone constitutes "significant infrastructure."

5. How Many Theaters Can Uptown Support? The ABQuptown project, the Uptown Spectrum project, and the Winrock redevelopment project each show a theater as one of the uses on the site– in addition to the existing theater at the Coronado Mall.

Our client has additional concerns about the Uptown Spectrum project which can be addressed in more detail at the DRB meeting if DRB chooses to not remand this matter to the EPC. Most importantly, if approved, we believe it is imperative that the housing component of the project is instituted simultaneously with the new retail uses. We believe this was the intent of the Uptown Plan amendment and the EPC conditions of approval: more retail for more residential. We are concerned that if the residential component is not built in the initial phase of the Uptown Spectrum project, it may never get built. Also, it is critical to us that Winrock's access to its proposed Sandia Drive be recognized as shown on Winrock's submitted site plans.

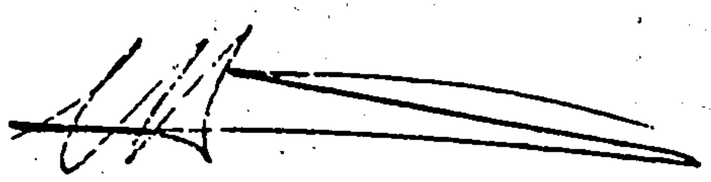
If DRB chooses to not remand the matter to EPC, we still believe that the safest course for the City would be to notice adjacent property owners and the neighborhood associations and hold a public hearing pursuant to Section 14-16-2-22(A)(6).

We appreciate your consideration of our concerns.

Yours truly,

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: 
Michelle Henrie

mh

cc (via hand delivery):

Bob Paulsen, Staff Planner, City of Albuquerque Planning Department
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
John P. Salazar

cc (via fax and mail):

Lawrence S. Kline, Herbert M. Denish & Associates, Inc.

cc (via mail):

Robert A. Manarino, Senior Vice President. Cousins Properties, Inc.
Charles E. Miller, Prudential Real Estate Investors
Shelton Weeks, Manager, Prizm Partners

Members of Uptown Neighborhood Associations:
Bill Sterchi
Lynn Tabor
Stephen Verchinski
Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil
Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Dorothy Finaldi
Rick Paul
Tom Joule
Richard Peterson
John Kinney
Nicholas Wees
Virginia Emmett
Randy Sanchez, General Manager, Coronado Center

DRB MINUTES FROM THE NOVEMBER 13, 2002, DEVELOPMENT REVIEW BOARD MEETING.

10. Project # 1002337
02DRB-01710 Minor-SiteDev Plan Subd/EPC
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

HERB DENISH AND ASSOCIATES, INC. agent(s) for HUNT UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD NE, between INDIAN SCHOOL RD NE and INTERSTATE 40 containing approximately 12 acre(s). [REF: Z-98-123] **[Bob Paulsen, EPC Case Planner]** [DEFERRED FROM 11/13/02] (J-19)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Lawrence Kline, Herb Denish & Associates, Inc., P.O. Box 2001, 87103
Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE. 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109

PERSONS SPEAKING IN OPPOSITION:

None

CITY STAFF PRESENT:

Bob Paulsen, Principal Planner

ACTING CHAIR GREEN: Next is Item 10, Project #1002337; Site Development Plan for Subdivision and Site Development Plan for Building Permit. Could you state your names and interests in the project for the record.

MR. KLINE: My name is Lawrence Kline, Herbert M Denish and Associates representing Hunt Uptown II, LLC.

MR. TOPMILLER: James Topmiller with Bohannan Huston.

MR. DUNNING: Chris Dunning with Dekker, Perich, Sabatini.

MR. KLINE: All representing Hunt Uptown II, LLC. I was delivered a copy of the letter which you received from the Rodey Law Firm late yesterday. I was wondering if there was anyone here from the Rodey Law Firm or the public who wished to address the issues raised in that letter.

ACTING CHAIR GREEN: They just made some statements in the letter and asked for a deferral, which will be up to us to determine that.

MR. KLINE: Right. As far as my client is concerned if it is the wish of the Development Review Board that this be deferred we'll certainly accept one. I would be remiss if I didn't say I'll take any signatures that we can get. What we came here for today though was to receive your comments, receive any concerns, I know that the Traffic Engineer is not ready to proceed with the Infrastructure List before we meet again. That would be fine. We'd defer for that reason. I note that Mr. Paulsen, who I think is still here, had a concern related to a conflict between this submittal and another submittal which we will resolve if the Board wishes to defer on those grounds. I just can't abide any discussion of a deferral on grounds of notice because none was required.

ACTING CHAIR GREEN: It's been four (4) years since we heard this and we can certainly give you the Board's comments. I'd like to hear from Mr. Paulsen first on updates and any concerns he has before we get to the Board's comments.

MR. PAULSEN: I provided you with a memo dated yesterday indicating that a fundamental concern that I have in reviewing this project is that there is a separate request, and I think you know about it, that's being forwarded by the Hunt Corporation for the area north of Indian School that would include this particular site. In essence, we have two submittals operating one at the Development Review Board and one at the Environmental Planning Commission level that's scheduled to be heard December 5, 2002. Anyway these two submittals concern the same piece of property. Specifically, this project that's before you today. There are some conflicts in terms of the designs of the two projects. I believe that the applicant is going to be taking steps to remove this project from the other one that's going to be heard by the Environmental Planning Commission on the 5th of December. I stop there with my comments because there is that fundamental conflict between the two projects, duplications on it that's my biggest concern here today.

MS. MATSON: When did you say it's scheduled to be heard by the Environmental Planning Commission?

MR. PAULSEN: There is a special hearing of the Environmental Planning commission on December 5, 2002. There will be several Uptown matters heard on that day including the larger Hunt request.

ACTING CHAIR GREEN: What is that request for?

MR. PAULSEN: There's a site plan for subdivision that includes, as I mentioned, this particular site that's before you today, along with a much larger site to the north of Indian School.

Along with an amendment to the Sector Development Plan that it really is a separate matter. I indicated in my memo to you, Roger, that I would suggest a deferral is in order. I didn't specify or recommend a time frame for that. It's simply up to the applicant. I've talked with them about it and they've indicated that they are willing to separate the two requests and not have that overlap that I've mentioned. I would be amenable to any level of deferral that they could live with. If they can do it in a week, that's fine.

ACTING CHAIR GREEN: If we were to proceed with this one and, in fact, got approval and you proceeded with the Environmental Planning commission's conflicting site plan what would be your intentions then?

MR. KLINE: I don't see how this Board could give any sort of final approval in light of this conflict. I'm stating for the public record: We are going to resolve that by removing Tract A of the Monroe Junior High School site from the action that is in front of the Planning Commission. But we have not done that yet in writing so Mr. Paulsen is correct.

ACTING CHAIR GREEN: I agree with that. We shouldn't proceed with conflicting applications.

MR. KLINE: Very well then. We would like to here comments if the members of the Board are inclined to give them to us. If there are any others not in the written comments.

ACTING CHAIR GREEN: We can do that. I don't think they are that significant. We will defer at least until after the Environmental Planning Commission hearing to give you time to address some of the Rodey Law Firm's comments and decide if you are going to withdraw one of these tracts from the Environmental Planning Commission application.

MR. KLINE: Why would we have to wait until after the Environmental Planning Commission acts if we do withdraw?

ACTING CHAIR GREEN: If you do withdraw ahead of that time.

MR. KLINE: I assume we'll do that in the next 24 hours. I already have authority to do that.

ACTING CHAIR GREEN: So you'd be asking for a one week deferral?

MR. KLINE: Please.

ACTING CHAIR GREEN: If that change or withdrawal doesn't happen then we would defer again.

MR. KLINE: I would have a terrible time walking back into this room if it doesn't happen.

ACTING CHAIR GREEN: Okay, let's go to the Board on what's before us today. Parks?

MS. SANDOVAL: Parks had no adverse comments to the Site Plan.

ACTING CHAIR GREEN: City engineer?

MR. BINGHAM: You have a site plan for subdivision, should a plat be a concurrent item? I notice a lot of easements, some right-of-way dedication. It seems that a current plat would be a concurrent requirement as well.

MR. KLINE: I can't speak to easements, maybe Mr. Topmiller can. When this site plan for subdivision was created it was with the understanding that the previous owners, Tesch Development, would be building the Loop Road on a piece of land that they would dedicate. There is a roadway easement agreement recorded with the City. At this point in time we have no intention to subdivide because we're not going to sell property to people. But that contract requires that if we ever do plat for conveyance or a lease hold interest, then we must also dedicate the right-of-way for the Loop Road, convert it from an easement to a right-of-way. We don't see what cause there would be to plat it today. It is one single tract cut down through the middle by a roadway easement.

MR. BINGHAM: A public roadway easement.

MR. KLINE: Yes.

MR. TOPMILLER: So easements for utilities would be paper documents submitted separately.

MR. BINGHAM: I do have a minor question. What's the name of the road going to be? The infrastructure list shows Uptown Loop Road, the site plan showed Americas Parkway, I wasn't sure what the name is.

MR. KLINE: I don't know if we've ever settled on a name, communally settled on a name.

MR. BINGHAM: There are three (3) different names in there.

MR. KLINE: There's a piece called Arvada, pieces called the Loop Road, there's Americas Parkway, whatever the City Engineer tells us we should put on there.

MR. BINGHAM: I don't know.

MR. TOPMILLER: It's referred to both everywhere when you look at the Design Review Committee (DRC) documents for the road construction. It's Loop Road slash Americas Parkway. We probably could use some guidance there.
MR. KLINE: After all the years it's taken to build it perhaps Yellow Brick Road would be a good choice.

MR. BINGHAM: What's affecting the infrastructure list is what the name of that road is. I just had a minor comment on your infrastructure list. If you want to call it Uptown Loop I'm fine with that. It might be the name of the road when it's all said and done anyway. I have no idea.

ACTING CHAIR GREEN: Actually the City Surveyor will determine, I think, the final name.

MR. KLINE: Would you like us to approach the City Surveyor on the issue?

MR. BINGHAM: That would be fine, that way the site plan and the infrastructure list could match accordingly. I just had a couple of clean ups on the infrastructure list you can take with you. Whatever that road will be you can adjust accordingly.

I have a conceptual grading plan dated 10/31/02 to support this with the condition that the public storm drain alignment stay in Louisiana and not snake through the property as shown. I would need an update on that plan. Bruce and I have already talked about that and we're on board with that. Other then that those are my comments at this time. I reserve the right to add further comments.

MR. KLINE: Nothing could stop you anyway.

ACTING CHAIR GREEN: Four years ago we did have a submittal on a subdivision plat. We did see a proposed plat for this site along with a site plan.

MR. KLINE: You have actually never seen Z-98-123, you saw Uptown Spectrum I which was Z-97-116. If there was a plat attached to it it was because at the time it was the developer who was to build the Loop Road and that circumstance has changed.

ACTING CHAIR GREEN: Okay. We're looking at this utility plan though as if it's going to be a subdivision. If you aren't proposing a subdivision this utility plan is not appropriate.

MR. TOPMILLER: Explain what you mean there?

ACTING CHAIR GREEN: You have multiple meters and things like that as if we'd be serving different tracts. If we're serving one large site, like a mall site, a shopping center site, we usually provide you one master meter.

Your layout is designed for multiple lots and multiple meters. So we're reviewing this and looking at it like there will be a subdivision.

MR. TOPMILLER: Now I understand. I think we need to find a way to give you some assurances on that. We do intend to plat at some point at the right time. But today it's a lease type project. We expect that at some point we would plat to create the roadway so we need to prepare for the plat someday in the future and design the utility system to prepare for that intention so that it doesn't hold us back at platting in the future. I don't know whether we give you a letter, whether we need to financially guarantee a plat or whatever it is that gives you assurances, but we kind of need to talk about that flexibility.

ACTING CHAIR GREEN: Where there any conditions from the Environmental Planning Commission requiring platting or anything like sometimes there are?

MR. KLINE: No sir. There are no such conditions this time.

ACTING CHAIR GREEN: Then why are we doing a site plan for subdivision?

MR. KLINE: We actually had that same debate this morning. Mr. Stidworthy and I had an interesting debate on that issue with Ms. Stephens before she left the Development Review Board as to what happens someday when we do want to plat or we do want to give you the right-of-way for the road. I don't have a site plan for subdivision for that to attach to. In fact, it's acting as a safeguard for the day when we meet the conditions of the roadway easement contract that make us plat.

ACTING CHAIR GREEN: Those are my main questions. Planning?

MS. MATSON: Unfortunately Advanced Planning came and got this case before I even knew it existed so I haven't looked at it. If we defer for one week I could give you some comments the day before to look at if you like.

MR. KLINE: That would be very nice. I think we've been extremely thorough in addressing the design conditions and it should be very transparent from this submittal where we changed things to meet the Environmental Planning Commission's conditions.

ACTING CHAIR GREEN: Transportation?

MR. SALGADO: I have not completed my review with the infrastructure list. I will provide comments once that is accomplished. I would like to get together with your group and discuss the site plan conditions. If you could provide me with a copy of the Environmental Planning Commission's approved site plan, for some reason it's unattainable from our area. I could not find it anywhere.

ACTING CHAIR GREEN: Any other comments? Questions?

MR. KLINE: We'll do our best with that. I didn't realize that there was a deficiency.

MR. SALGADO: I do have some concerns about your sidewalk and wheel chair ramps. It will be a paper easement that will be required from that aspect.

MR. KLINE: I think ADA Accessibility was one the conditions of the Environmental Planning Commission. I think Mr. Dunning we addressed it as thoroughly as we could.

MR. SALGADO: I'm concerned about the wheelchair ramp protruding onto the property. Once it protrudes onto the property you will need a paper sidewalk easement to cover that area.

MR. KLINE: So where we have that major pedestrian way that goes through the site and we have the ramp parallel in the stair system.

MR. SALGADO: Right, anything that protrudes onto your site, especially the wheelchair ramps is part of the City property so we need to have a paper easement for that.

MR. TOPMILLER: That would be an easement under the term public roadway easement or something like that just to cover that.

MR. SALGADO: It could be just a sidewalk easement. A paper easement would be fine.

MR. TOPMILLER: I don't see any problem with that.

MR. KLINE: Gentlemen any concerns?

MR. TOPMILLER: No. The meetings with these guys.

MR. KLINE: We'll call you probably this afternoon.

ACTING CHAIR GREEN: Kevin did you have anything to add or information for the Board?

MR. CURRAN: No, I have nothing to add.

ACTING CHAIR GREEN: So you're requesting a one-week deferral?

MR. KLINE: Please.

ACTING CHAIR GREEN: Okay, we'll defer Item 10 one-week to the meeting of November 20, 2002.

MR. KLINE: Thank you.

THE FOLLOWING ACTION WAS TAKEN:

THE ABOVE REQUEST WAS DEFERRED AT THE AGENT'S REQUEST TO NOVEMBER 20, 2002.

DRB MINUTES FROM THE NOVEMBER 20, 2002, DEVELOPMENT REVIEW BOARD MEETING.

9. Project # 1002337
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC
02DRB-01710 Minor-SiteDev Plan Subd/EPC

HERB DENISH AND ASSOCIATES, INC. agent(s) for UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] [Bob Paulsen, EPC Case Planner] (J-19)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Lawrence Kline, Herb Denish & Associates, Inc., P.O. Box 2001, 87103
Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE. 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109

CITY STAFF PRESENT:

Bob Paulsen, Principal Planner

PERSONS SPEAKING IN FAVOR:

Jeffrey Paul, 1000 Grove NE, 87110

PERSONS SPEAKING IN OPPOSITION:

Michelle Henrie, Rodey Law Firm, 201 3rd Street NW, 87103

ACTING CHAIR GREEN: That brings us to Item 9, Project #1002337, Site Development Plan for Subdivision, Site Development Plan for Building Permit. This was deferred from a week ago. Would you state your names and interest in the project for the record.

MR. KLINE: My name is Lawrence Kline, Vice-President of Herbert M. Denish & Associates, P.O. Box 2001, Albuquerque. I'm representing Hunt Uptown II, LLC.

ACTING CHAIR GREEN: One of the main reasons for the deferral was to give you time to revise or withdraw a portion of your site plan, I believe, that's coming to the Environmental Planning Commission. Was that done?

MR. KLINE: Yes sir we did write a letter requesting withdrawal of Tract A, Monroe Junior High School site from our Site Plan for Subdivision application. I think Mr. Paulsen can confirm that it was done.

MR. PAULSEN: That is correct Mr. Chair. We are in receipt of that letter.

ACTING CHAIR GREEN: So we are not addressing conflicting site plans or anything else at this time?

MR. PAULSEN: That is correct.

ACTING CHAIR GREEN: Any other updates?

MR. KLINE: I have a new infrastructure list, really a revised infrastructure list.

ACTING CHAIR GREEN: To address our comments from last week or this week?

MR. KLINE: None to address. The Parks Department, I think we're still good to go there. Mr. Bingham had asked the question of what is this road really named. We polled the jury and jointly decided that we'd like it to be Uptown Loop Road. I think as the Chairman knows, there are pieces of it that various names, but for the purposes of this site plan for subdivision and this project, Uptown Loop Road is good to go we thought. All of our drawings, all of our originals still say Americas Parkway. I assume that we can make an administrative change to those drawings here and take out the Sharpie and change the name.

MR. TOPMILLER: I was offering a suggestion that if we have some site plan changes like that, that are fairly minor, maybe we could do those off the table and delegate it to Planning or whatever.

MR. KLINE: Would you address Traffic Engineering's comments from last week too?

MR. TOPMILLER: The issues at that time were primarily spending time to look at the infrastructure list and make sure the EPC conditions were complied with. We did develop the infrastructure list which has been passed out. The primary changes have to do with all the transportation elements and we spent a good deal of time yesterday on those. I think Nilo was also looking for an original site plan because files were missing that site plan. I understand he got that and we referred to it yesterday as well. I believe all those issues are clear there too.

MR. KLINE: The remaining largest issue I suppose was the fact that the Planning Department had not yet reviewed our letter in response to the conditions of the Planning commission. I believe they have done so at this point and provided the Chairman with a letter responding to each of the conditions.

I'm pleased to note that most of them say that the condition has been satisfied. There are about 4 that we need to work on. We need to add some building elevations, some site lighting locations, put in some benches, take out a couple of signs but nothing, I think, that would warrant another deferral from the Planning Department's point of view. We are here for the administrative function of the final sign off of the site plan for subdivision and the site plan for building permit. We think we have met the conditions of the Planning commission and the various technical agencies. We request approval and delegation to the extent that we can get it.

ACTING CHAIR GREEN: We'll go through the Board for any additional comments. Parks?

MS. SANDOVAL: Parks has no adverse comment.

ACTING CHAIR GREEN: City Engineer?

MR. BINGHAM: With the corrections on the Infrastructure List and the approval of the Conceptual Grading and Drainage Plan dated 10/31/02 I can sign the infrastructure list. I have to take delegation on the site plan for the SIA (Subdivision Improvements Agreement).

ACTING CHAIR GREEN: As far as Utilities, I had one outstanding item which was the Fire Marshal's approval of the site plan showing the location and number of fire hydrants. Has that been done?

MR. KLINE: Yes, right here.

ACTING CHAIR GREEN: We didn't get any copies of it? It's just on the original at this time?

MR. TOPMILLER: We do not have copies of it. It is on the original.

ACTING CHAIR GREEN: I'll wait and see where we stand today. I'll have to take a look at that. That's the only outstanding comment I had. We'll go to Planning?

MS. MATSON: I'm going to defer to Bob Paulsen.

MR. PAULSEN: Mr. Chairman and Board members, as Mr. Kline indicated I've provided and update, sort of a follow-up memo to the memo I provided to the Board last week. Reviewing the submittal in light of the Planning Commission's approval and going through each condition of the Planning Commission and indicating whether I believe there was compliance with that condition or not.

I think Mr. Kline as correctly characterized the submittal as requiring some minor adjustments. Additions and so forth to meet the technical conditions of the EPC's approval.

One thing I did want to highlight for you and it's specified in the memo I provided that's dated the 19th of November, is that two of the conditions on the site development plan for building permit referenced a, and those are Conditions 15 and 21, referenced a now defunct subcommittee of the Environmental Planning Commission. It was the Site Plan Review Committee. That Committee has not been in existence for several years now. In evaluating how to resolve these items speaking with representatives of the legal office and talking with the applicant as well, decided to take those two items to the Planning Commission hearing on December 5, 2002, for their review and direction to our staff as to whether these conditions meet their satisfaction. So, in place of the Site Plan Review Committee, we are taking these two conditions back to the Planning Commission as advertised items at the hearing on December 5, 2002, for their review and again their direction to staff. So while a final sign off cannot be completed until following that December 5, EPC hearing, I certainly have no objection to delegation of either of these site development plans in the meantime. The Planning Commissions review only concerns the site plan for building permit and not the site plan for subdivision.

The site plan for subdivision there are very few conditions related to that imposed by the Planning Commission and there's only one additional change that I'd like to see on that portion of the submittal. Other than that I think it's fine. Again, the site plan for building permit, the final sign off cannot occur until after the December 5 Planning Commission hearing.

ACTING CHAIR GREEN: But you're saying that wouldn't hold up the Site Plan for Subdivision?

MR. PAULSEN: Mr. Chairman I don't believe it would hold that up. Again, I don't believe that the review by the Planning Commission should hold up further review and/or delegation of this matter off the Agenda today. These are two conditions that are very specific to planning and design related matters. I don't think it affects, nor will affect the review of the other agencies.

ACTING CHAIR GREEN: Do we have separate original sets? One separate for Subdivision Site Plan and Building Permit or are they combined?

MR. KLINE: They are a single sheet at this time Mr. Chairman.

ACTING CHAIR GREEN: Anything else from Planning?

MS. MATSON: No.

ACTING CHAIR GREEN: Transportation?

MR. DOURTE: We went through the EPC Conditions apparently there are none that have not been complied with. Everything has been complied with however, with the construction of Americas Parkway or Uptown Loop Road and with other projects that may be pending in this area, I need to have delegation to make sure that this conforms and meets those requirements and those plans.

ACTING CHAIR GREEN: So far we've got City Engineer, Transportation and Planning cannot sign.

MR. BINGHAM: I can delegate the SIA (Subdivision Improvements Agreement).

ACTING CHAIR GREEN: That was your only outstanding item, the SIA (Subdivision Improvements Agreement). Response to any of the Board's comments/requirements?

MR. KLINE: I feel pretty comfortable Mr. Chairman.

ACTING CHAIR GREEN: As far as the sign-in sheet, I have two names and for those people be aware that today we only want to address comments as the Boards only relating to the conditions set by the Environmental Planning Commission. This is not a per se public hearing for testimony on other items. Please keep your comments directed to the Environmental Planning Commission conditions. So first is Jeffery Paul state your name and address for record.

MR. PAUL: My name is Jeffery Paul. I live at 1000 Grove NE. I'm not sure if my comments are really relevant based on what you just said. I'm Vice-President of the Jerry Kline Park Neighborhood Association. I just wanted to comment on some discussions we've had for the project overall. I'm not sure whether this is appropriate or not but it will be very short. So run me out of here if it's not appropriate and I won't feel bad.

ACTING CHAIR GREEN: We can tell you if it's appropriate or not.

MR. PAUL: We had a meeting a couple of weeks ago and both this project as well as the Winrock project were addressed in our general membership meeting. There was no opposition stated from any of our members for this project.

Several years ago I was vice-president of the Mark Twain Neighborhood Association which is adjacent and there was another project being designed at that time. I did a survey of about 80 homes in our area and 80% to 85% agreed that they were in favor of restaurants, small businesses and so on in that area. Both to take care of some aesthetic needs, to get something built on that land, but also to enhance what the planned use is of that area. So our neighborhood association has not had any opposition to this.

Speaking just as a neighbor and having lived in this neighborhood for 11 years, my wife grew up in this neighborhood, we really feel that the planned use and what they are planning to do construction wise as well as the actual use is very complimentary to the area and to the neighborhood rather than contradictory. We fully support this project personally as well.

ACTING CHAIR GREEN: This plan before us is the one that the Environmental Planning Commission heard in 1998. So it's probably the older one you referred to.

MR. PAUL: Yes, there's been several.

ACTING CHAIR GREEN: There are some new Winrock things and other things coming before the Environmental Planning Commission on December 5 that you might want to attend that. That's a public hearing for public comment.

MR. PAUL: Thank you.

ACTING CHAIR GREEN: Michelle Henrie?

MS. HENRIE: Mr. Chairman, Board Members, Michelle Henrie, I'm with the Rodey Law Firm. I have been sending you all those letters. I have some comments on procedure if I can make them as well as conditions, if that's all right with you.

ACTING CHAIR GREEN: Sure.

MS. HENRIE: Just to remind you, you are being asked to approve a project that has sat on the shelf for four (4) years and you are being asked to approve a minor subdivision. I don't think that is appropriate given that we have not even seen a subdivision plat. The application says that it is a Subdivision from 1 to 3 parcels. I can't even figure out which parcels are the three (3) parcels. Is it the big tract and then the 2 smaller tracts and the road is carved out separately or do the parcel lines actually go to the center of the road. I don't know and I think we need to see a subdivision plat before you are asked to approve a site plan for subdivision.

The second point is I don't think it's a minor subdivision. I brought this up briefly in my letter. The first point was the infrastructure. I have not seen the revised infrastructure list that was passed out to you. My understanding is that the infrastructures meant to support the whole project which has at this moment 12 different uses on it. If that project is subdivided at a later time, that's just tract one, that's not a minor subdivision. That's a major subdivision. We're looking at a theatre, a hotel, two restaurants, seven retail uses plus the housing component. I think it's putting the cart before the horse to consider this a minor subdivision given the infrastructure concerns.

The next point I have is I do believe this matter should have been noticed and taken to a hearing. The people who are entitled to notice for a minor site plan amendment according to the Zoning Code are the neighborhood associations and the adjacent property owners. None of which were notified about this hearing. If one of two things happens, and the first is if there might be a person substantially aggrieved by the altered plan. It says might be and I think that's why we argued that this matter should have been noticed in the first place. We think there might be, given that there's been four (4) years since this plan was looked at.

We believe that for any project there's two things that happen. The first is the pre-existing conditions. That might be the terrain, that might be the surrounding neighborhood, all of those conditions are what I call the "X" factor in a development. The "Y" factor is the project that's being proposed. We are seeing changes to the "Y" factor, but I think it's incumbent on this Board to also consider changes to the "X" factor over the last four (4) years before considering this a minor site plan amendment.

My next point is that notice should be given not only if somebody might be substantially aggrieved but if the total building square footage would be increased by more than 2%. I didn't even add this up until this morning, but, let me tell you the old site plan back from 1998 shows a total square footage of 455, 570 square feet. The new site plan shows a total building square footage of 455, 570 square feet, the same number, plus housing. We've got to consider that. The total building square footage when you add the housing, well we don't know what the square footage of the housing is. I couldn't find it anywhere in the plans that were submitted. If that number, according to my calculations, I'm not a good mathematician, but my number is that if you take 455, 570 square feet, 2% of that is 9,111 square feet. If the housing component exceeds that I think, under the Zone Code, this has to be noticed and taken to hearing. It looks like there is going to be 19 units. If those units are less than about 500 square feet per unit they make it. If they do 24 units the number comes down even more. A guesstimate based on the calculations on the housing sheet, it looks to me like the 24 units are around 15,000 square feet. I think that's a number you need to know before you go forward with this project.

Going to the conditions, let me back up to that, one of the conditions, it's number 1B, specified that there must be an agreement between Uptown Spectrum property owner and Winrock. The applicants are taking the position that Winrock is contractually bound to construct the loop road under the existing construction plan. Kevin, you might pop in here, but my understanding and our position, Winrock's position, is that those construction documents, let me back up.

The agreement among Winrock, the state and the City does allow, expressly allows for the realignment of what is known as Street A.

Street A is not the loop road but it is next to the loop road and there will be some relationship between them and trans exit these sorts of things. Until Winrock and the City are able to agree on that realignment of Street A, Winrock is not contractually bound to construct the loop road.

Let me just show you, this is Winrock site plan for their project called The Avenues, that's before the Environmental Planning Commission. In yellow we've indicated the loop road. The orange indicates the Hunt parcel, the rest is the Winrock parcel. You can see that there is a good portion of it that is not under Winrock's control whatsoever. There is a portion of it that feeds into that, that is still being worked out. Part of the Hunt project includes some entrance or exists onto that portion of the loop road. In addition, this intersection is terribly important to Winrock and it's of great concern to us that not be inhibited by the Hunt project if it goes forward.

MR. DOURTE: Did not Winrock sign an agreement that stated that they could construct the Uptown Loop Road. Yes or No.

MS. HENRIE: They signed an agreement Richard, I'll read the provision to you that I'm referring to.

MR. DOURTE: It just says they have to sign an agreement or agree to it. I believe that took place.

MS. HENRIE: There is an agreement signed. The agreement expressly allowed....

MR. DOURTE: The agreement was signed.

MS. HENRIE: The agreement was signed, it was signed. What it says is "if the Street A alignment shown in the attachment to the agreement needs to be adjusted in the future for the benefit of Winrock. The City will reasonably consider modification of the right-of-way alignment and related improvements and Winrock will pay the costs". That's the hold up right now as to why the construction has not been going forward in my understanding. Kevin is more involved in that project then I.

One more thing, I think you're doing exactly the right thing to send the housing issue back to the Environmental Planning Commission. I commend you for that decision. Housing is a terribly important thing. We think it was important to EPC back in October of 1998. They wrote it into the conditions. They rewrote the Sector Plan Amendment that's included in the Sector Plan. We believe that the conditions and sector plan need to be interpreted so that housing is a part of Phase 1. It is concurrent with the expansion of retail. What the Sector Plan Amendment did is it bumped up the retail quotient from 10% to 20% for those uses inside the loop road.

We think that the trade off for having more retail was that housing would go along with it. That's what makes this a sustainable win-win situation. It's really important that housing be a part of Phase 1.

Our big concerns are number one, if you can condition the approval, we would like some reference that the loop road approval, these would be Hunt's, does not affect Winrock's ability to go forward. For example, their site plan does not show this intersection right here that is very important to us because it leads right into the main avenue for Winrock's new project.

Number two, we would ask that the housing component be required for the Phase 1 portion of the project. That's all I have, thank you.

ACTING CHAIR GREEN: I'm confused on the housing component. Is that the hotel or what is the housing component?

MS. HENRIE: Chairman Green, I'm confused on where the housing is going to go to be quite honest. From Mr. Kline's letter it looks likes it's probably going to go on the garage, maybe on the hotel, we're not really sure. It's not been nailed down to my satisfaction. We understand the conditions of the Environmental Planning Commission to be that there is a required housing component. There is a certain number of units that need to be built. In this case, based on the square footage, I believe those were calculated to be 19. The fact that they have to be built where we think, indicates that they need to be built along with the other uses that are going on the property. The retail uses in particular because that was the trade off in the Sector Plan Amendment. Did I answer your question?

ACTING CHAIR GREEN: I think I'll have Bob Paulsen maybe clarify the housing for me or Kevin.

MR. CURRAN: My name is Kevin Curran, I'm the Assistant City Attorney. I'll address a few comments based on the characterization of the road agreement. The road agreement allows modifications to Street A or otherwise known as the Ring Road. It requires the City to reasonably consider those modifications. That has been done by the City and it has been rejected by the City. The City has performed its obligations in that respect under the agreement. Therefore, I would take objection to Ms. Henries characterization of the agreement as there being a problem. The City has complied with the terms of the agreement and the City now expects Prudential , Successor in Interest to the property to perform it's obligations under the agreement by conveying the Street A easement to the City. The provision that Ms. Henrie also read also requires prior to any modifications being made to Street A, to be approved by the Federal Highway Administration and the New Mexico State Highway Department. Those two entities have not approved the modifications as well. That's all I have to say about that.

MS. HENRIE: Can I respond?

ACTING CHAIR GREEN: Okay, let's clear this up.

MS. HENRIE: You can tell why there is a disagreement about this and hopefully it will be worked out because we all would like to see all of these projects go forward.

Kevin I don't know if you've gotten this letter dated November 14, 2002 from the State Highway Department. We understand that the State Highway Department agrees with our understanding of the contract. There is clearly a legal problem here and legal problems tend to slow down the development. In any case that is a live problem.

ACTING CHAIR GREEN: Let's address the housing question.

MR. PAULSEN: Yes, there is a requirement for housing to be part of this plan based on retail square footages and there's been an amendment that was approved that has been added to the Uptown Sector Development Plan. I believe, in fact, the applicant is proposing housing as Ms. Henrie indicated. The plans for that are included in the submittal and in fact elevations of the housing are submitted as part of the packet so I'm not really sure about the nature of the concerns that she has regarding this. Maybe she just needs to clarify that more, we need to look into it. There is housing proposed in the package and I don't believe there are requirements as to phasing of it. Certainly I can look that over and see if there's any tie to it. I believe you don't have the ability to impose additional conditions such as a phasing requirement or a timing requirement going beyond the Environmental Planning Commission as per housing. I would advise you not to take any measures in that regard. If there is any confusing or lack of clarity about the housing I certainly want to have that resolved before this is signed off by the Development Review Board.

MS. HENRIE: I agree Bob there are elevation plans. There are not that I could find and easily interpret square footage indications. That square footage is what might trigger the change in this site plan over 2% of the total building space. If it's over 2% I believe the zone code requires this matter to be noticed and sent to a hearing. Do you need a citation on that, Section 14-16-2-22a(6). That's the real concern is the square footage. I also don't really understand where exactly it's going to go but that's a separate issue.

ACTING CHAIR GREEN: To clarify your initial questions on the public hearing or notification process, my understanding is we've met all those conditions. You keep bringing up that it's not a minor plat and things like that. We've gone through the Environmental Planning Commission hearing and all the infrastructures are tied to the Site Plan not a Plat so Kevin can address that but I think all of our requirements have been already met and no further public hearings or notifications are needed for what's before the Board.

MS. HENRIE: Kevin did you have a comment?

MR. CURRAN: I'm not that familiar with this issue so I'm reluctant to comment on it. If you want to explain it to me in more detail perhaps I can advise you on it.

ACTING CHAIR GREEN: Ms. Henrie I think was implying that our public notification requirements were not being met my our policies or ordinances. Is that correct?

MS. HENRIE: That's correct. In the portion of the Zoning Code called Special Use Zone, which is 14-16-2-22, there is a procedure for amending an approved site development plan which I understand this process to be. There are changes to the site development plan. It's been characterized as an amendment to the site development plan that was approved by the Environmental Planning Commission.

ACTING CHAIR GREEN: I don't believe we're doing an amendment.

MS. HENRIE: Okay.

MR. DOURTE: What is the amendment?

MS. HENRIE: Isn't the amendment adding housing?

MR. DOURTE: I guess Bob Paulsen might be able to answer that question.

MR. PAULSEN: I certainly don't characterize this as an amendment. This is a final sign off and the housing is being included as a requirement, as a condition of the Environmental Planning Commission. As well as a condition for the requirement of the Sector Development Plan, although the Environmental Planning Commission did not see elevations for the housing at the time the site plan came before them, they conditioned that such changes must be included in the Development Review Board submittal to obtain final sign off.

In my understanding and certainly the procedures that we follow on a routine basis this would not qualify as such an amendment that you believe it to be. So I don't think we're in a process of amending a site development plan. This is a final sign off for site development plan for subdivision and for building permit by the Development Review Board. Simply carrying out the conditions of the Environmental Planning Commission's approval. I don't think it meets those requirements that you're suggesting in that regard. There are new components. Those components are mandated by the Planning Commission and I have other comments in my letter or memo if you've seen them, addressing concerns I have in terms of whether or not this project precisely meets what the Environmental Planning Commission approved.

You have to go back and look at some of those things and make sure there is adequate detail and so forth. The Development Review board does not have a choice as to whether or not housing should be included. It's mandated by the Planning Commission. If it's not put in place to the level that it meets the specific percentage requirements, this plan would have to go back to the Environmental Planning Commission and an advertised hearing.

MS. HENRIE: As I understood it there were minor changes to the approved site development plan. Even though the Environmental Planning Commission mandated it the fact that those changes represent more than 2% of the total building square footage of the originally approved plan is enough to require the trigger that it go back to public notification and public hearing. The public has a right to consider those changes. That's what I understand the intent at a minimum of this portion of the zoning code to say. If it's more than 2% it's something that people probably want to know about and have a right to speak to. That's how I understand it Bob and again, it sounds like we have a live issue here.

ACTING CHAIR GREEN: That's further reason you want delegation to go back to the Environmental Planning Commission with some of those other issues that you addressed before right?

MR. PAULSEN: The reason this has to be back to the Environmental Planning Commission is related to the housing issue certainly but I think I understand what Ms. Henrie's interpretation of the code in this regard. Our typical interpretation would not agree with hers or would not be consistent with her interpretation. However, this does have to go back to the Environmental Planning Commission in regards to housing in terms of the design of that housing.

ACTING CHAIR GREEN: Won't that issue or her concerns be brought up at that time?

MR. PAULSEN: Yes, they will be brought up at that time.

ACTING CHAIR GREEN: So I think we've got you covered there.

MS. HENRIE: I'm not sure but it sounds like this will play out however it plays out. Thank you.

ACTING CHAIR GREEN: Any last comments from the agent?

MR. KLINE: I'd like to thank Mr. Paul for his comments. I think the Board and the other members of the staff here have done a good job of addressing the questions from the Rodey Law Firm. No comments to make on those. Unless you have some questions for me once again we're here for the ministerial function of the signing off of the site plan for subdivision and building permit as

mandated and consistent with the conditions imposed by the Environmental Planning Commission we request approval and delegation.

MR. DOURTE: I have one minor item to bring up if I may. Lawrence on your site plan they did request, Rodey Law Firm did request that the access point which goes into the Winrock site be removed. If that was removed would that affect the site plan?

MR. KLINE: Someone would have to show me exactly which access point is being discussed?

MR. DOURTE: This is what I understand, this one right here. Is that correct ma'am, you were concerned with? As long as that would not trigger any need for amendment Bob if they just deleted, erased that in there?

MR. KLINE: I consider that question inappropriate. Since day one when this was the Tesch Development known as Uptown Spectrum the land owner, including my client, has taken reliance on the G5 alignment of the sector plan on the construction documents which were derived from the G5 alignment, from the contract which was agreed to by Winrock who filed the original law suit that resulted in the G5 alignment. We will entertain no changes to the contract drawings.

MR. DOURTE: That's fine. Actually this does not affect the agreement anyway. I don't see these as binding, but if you choose not to that's fine.

MR. KLINE: I don't want to discuss what happens on the other side of the road frankly, we just want to see the Loop Road right-of-way granted, roadway easements granted, constructed as the public body all of us have agreed that it should be constructed over the last 15 years.

MR. DOURTE: That's fine.

ACTING CHAIR GREEN: Do any of the Board members have any additional comments?

MR. KLINE: I have one request of the Rodey Law firm if I may? If we're going to talk about moving targets and changing plans I wish they would deliver us a copy of the new site plan submittal that they made to the City on Friday.

ACTING CHAIR GREEN: I don't know what site plan you are referring to? For the Winrock?

MR. KLINE: Yes.

ACTING CHAIR GREEN: I don't want to see that, but I do need to see your Fire Marshal approval. No objections from the Board members. Claire, we'll approve the Site Plans application numbers 02DRB-01708 and 02DRB-01710 and delegate final sign off to City Engineer, Transportation and Planning and the signing of the Infrastructure List dated today.

THE FOLLOWING ACTION WAS TAKEN:

THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING. THE INFRASTRUCTURE LIST DATED 11/20/02 WAS APPROVED.

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

January 7, 2003

Lawrence Kline
Herb Denish & Associates, Inc
500 Marquette, NW, Suite 350
Albuquerque, New Mexico 87103

Dear Mr. Kline:

This is to inform you that the DRB final sign off approving the Monroe Junior High School Site Plan, Case # 1002337 occurred today, January 7, 2003.

Please call me at 924-3989 if you have any questions.

Sincerely,

Roger Green, P.E.
Acting DRB Chairperson

cc: Michelle Henrie, Rodey Dickason Sloan Akin & Robb,PA
Kevin Curran, Assistant City Attorney
John Myers, Myers Oliver Price, PC
Bill Sterchi & Lynn Tabor, Alvarado Park N.A.
Stephen Verchinski & Mary Lou Sorenson, Classic Uptown N.A.
Bob Bruno & Richard P. Huber, Inez, N.A.
Julie Jones & Jeff Paul, Jerry Cline Park N.A.
Valorie Vigil & Mark Trujillo, New Kimo N.A.
Timothy Sanchez-Brown & Orlando Esparza, Quigley Park N.A.
Dorothy Finaldi & Rick Paul, Snow Heights N.A.
R. Shelton Weeks & Tom Joule, Uptown Association
Richard Peterson & John Kinney, Winrock South N.A.
Virginia Emmett & Nick Wees, Zuni N.A.
Ike Eastvold, Fair Heights N.A.

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

cc(con't):

Susan Johnson, Elizabeth Begay, John Briscoe, Larry Chavez, Jeffrey Jesionowski, Mick McMahon, Bevin Owens, Camilla Serrano, EPC Members
Victor Chavez, Planning Department Director
Paula Donahue, Staff Planner

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

December 9, 2002

Rodey Dickason Sloan Akin & Robb PA
P.O. Box 1888
Albuquerque, NM 87103
Attn: Michelle Henrie

RE: APPEAL 02EPC-01836 (SBP) and 02EPC-01837 (SPS)/PROJECT #1002337 (CASE WAS HEARD UNDER APPLICATION #02-01708 (SBP) and #02-01710 (SPS)

Dear Ms. Henrie:

The above referenced appeal, which was filed December 3, 2002, has been scheduled to be heard before the Environmental Planning Commission (EPC) on **Thursday, January 16, 2003.** The meeting will be held in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd Street, NW, 87102.**

I have attached a copy of the appeal form and the reason for appeal. Approximately one week prior to the hearing, you will receive a copy of the agenda and a staff report. **THIS WILL SHOW YOU WHERE YOUR CASE WILL BE ON THE AGENDA.**

If you have any questions, please contact Claire Senova, Administrative Assistant at 924-3946.

Sincerely,

Roger Green

Roger Green, Acting Chair, Development Review Board

cc: Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE, 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109
Jeffrey Paul, 1000 Grove NE, 87110
Hunt Uptown II, LLC, 500 Marquette NW, Suite 350, 87102
Herb Denish & Associates Inc., P.O. Box 2001, 87103
Don Newton, Office of Neighborhood Coordination,
File

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

UNAPPROVED

ENVIRONMENTAL PLANNING COMMISSION

M I N U T E S

Thursday, December 5, 2002

COMMISSION MEMBERS PRESENT: Alan Schwartz, Chairman
Susan Johnson, Vice Chair
Camilla Serrano
John Briscoe
Larry Chavez
Mick McMahan
Bevin Owens
Elizabeth Begay
Jeffrey Jesionowski

STAFF PRESENT: Robert Paulsen, Development Services Div., Planning Department
Russell Brito, Development Services Div., Planning Department
Juanita Vigil, Advance Planning Division, Planning Department
Paula Donahue, Advance Planning Division, Planning Department
Tony Lloyd, Transportation Development Div., Planning Department
David Suffling, Assistant City Attorney, Legal Department
John Castillo, Assistant Director, Public Works Department
Fran Tapia, Recording Secretary, Planning Department

****

1. Called to Order at 3:05 p.m.

A. Announcement of Changes and/or Additions to the Agenda. The following items were withdrawn or deferred at the request of the applicants.

B. Approval of the Amended Agenda
C. Approval of Minutes of October 17, 2002

UNAPPROVED

3. Project # 1002124
02EPC-01154 Text Amendment

HERBERT M. DENISH & ASSOCIATES, INC., agent fo HUNT UPTOWN, LLC requests text amendments to th Uptown Sector Plan SU-3 Zone for the Uptown Urban Center Intense Core and the SU-3 Zone for the Uptown Urba Center: Outside of Intense Core, located on the NW, NE, S & SW QUADRANTS OF LOUISIANA BLVD. NE AND INDIA SCHOOL ROAD NE, containing approximately 297 acres. (H 18) Paula Donahue, Staff Planner

4. Project # 1002247
02EPC-01472 EPC Site Development Plan-Subdivision

HERBERT M. DENISH AND ASSOCIATES, INC. agent fo HUNT UPTOWN, LLC AND HUNT UPTOWN II, LLC request approval of a site development plan for subdivision for all or portion of Tracts A1, B1, and B2 of St Pius X, zoned SU-3 fo the Uptown Urban Center: Intense Core, SU-3 for the Uptow Urban Center: Outside of Intense Core, and SU-2 for R-2 an O-1 uses, located between LOUISIANA BLVD NE, an ESPANOLA STREET and between ARVADA AV. NE an INDIAN SCHOOL RD. NE, containing approximately 28 acres (H-19) Paula Donahue, Staff Planner

2. The Planning Department requests review and direction from the EPC relating to Development Review Board Project # 10002337/02DRB-01708, specifically concerning 2 Conditions imposed by the EPC on October 15, 1998 on a Site Development Plan for Building Permit, application Z-98-123, for a portion of Tract A, Monroe Junior High School, located at the southeast quadrant of the intersection of Louisiana Boulevard and Indian School Road NE containing approximately 12 acres. (J-19)

BOB PAULSEN: Good afternoon Mr. Chairman, members of the Planning Commission. I'd like to announce some requested changes to today's agenda. It's my understanding is that the applicant for Agenda items # 3 and 4, Project 1002124 and Project 1002247, is going to request deferral of these items here today. We have not received anything written from them regarding this request but I would suggest that you ask them to come to the podium and clarify whether or not they are in fact requesting deferral. Other than that there has been no requested changes to the Agenda.

CHAIRMAN SCHWARTZ: Who's going to speak on behalf of Denish & Associates? Mr. Kline, or Mr. Denish?

HERB DENISH: Mr. Chairman, members of the Commission my name is Herb Denish, I'm here today asking for a deferral on Items 3 & 4 and requesting the verification of compliance on only two items of item 2 which we would like to take up in

its entirety. The amount of deferral time on Item 3 & 4 will be certainly at the pleasure of the commission. We were thinking 60 days and we thought earlier 30 days but given the constraints of the holidays etc. we would think that a 60 days deferral on those two items would be in order. We would like to definitely go through item 2, verification of compliance items, but I know Mr. Paulsen will begin with that is my understanding.

CHAIRMAN SCHWARTZ: Any questions for Mr. Denish? Alright, Mr. Paulsen would it be advisable to go for 60 days here and pick one of the off dates in February? I'm looking at the calendar and we have Thursday, February 6th.

BOB PAULSEN: Mr. Chairman given the complexity and of the importance of these two items I think it would be appropriate to have it on an off Thursday, which would be at your pleasure. My understanding is that you try to stay away from that first Thursday of the month. But certainly either one of these dates will work for Staff in February: 6th, 13th or the 20th, which is the all day hearing day.

CHAIRMAN SCHWARTZ: Is there any objections to the February 6th date?

DAVID SUFFLING: Mr. Chairman.

CHAIRMAN SCHWARTZ: Mr. Suffling.

DAVID SUFFLING: I have a three week trial that begins on January 30th. It actually might not take three weeks and there may be some legal questions on these items, maybe not, but I'd like to be here, although I don't think that that's critical but if it's a close call between the 6th and the 13th, I would suggest that the 13th might be a little bit better.

CHAIRMAN SCHWARTZ: The 13th we couldn't start until 5:00 and I don't know if that's a good idea or not.

COMMISSIONER JESIONOWSKI: Why.

CHAIRMAN SCHWARTZ: Study Session day.

COMMISSIONER JESIONOWSKI: Bag the Study Session.

CHAIRMAN SCHWARTZ: We could move the Study Session up to 3:00 and start at 4:00.

BOB PAULSEN: Mr. Chair, Commissioners we have yet to advertise the Study Session or the hearing or any of the February cases yet, so we would have an opportunity to set that hearing time and the Study Session at your pleasure.

UNAPPROVED

CHAIRMAN SCHWARTZ: So what are we saying the 13th? Mr. Denish is that satisfactory?

HERB DENISH: Whatever is appropriate and responsive to you, is fine.

CHAIRMAN SCHWARTZ: Okay let's make it Thursday, February 13th and we'll have the study session at 3:00 and start the hearing at 4:00pm. Is there a motion to that affect?

COMMISSIONER JESIONOWSKI: So moved.

COMMISSIONER BEGAY:Second.

CHAIRMAN SCHWARTZ: We have a motion and second. Excuse me, well it's more time than they would have today.

(Inaudible)

CHAIRMAN SCHWARTZ: Do you want to move it up?

COMMISSIONER JESIONOWSKI: No I think it's a good day I'm just wanting to know if we are also going to hear or see the site development plan at the same time, or are we just talking about the sector plan amendment?

BOB PAULSEN: Both.

CHAIRMAN SCHWARTZ: The item that is on today's agenda # 3 & 4.

COMMISSIONER JESIONOWSKI: Okay so we'll see it all, okay that's fine.

CHAIRMAN SCHWARTZ: So I think that's probably enough time. Okay, we have a motion and a second to defer these to February 13th to be heard at 4:00 and our study session will be moved up to 3:00. All those in favor say aye. Any opposed? That passes unanimously. That's all that we have for agenda items. Minutes.

COMMISSIONER JESIONOWSKI: Mr. Chairman I move that we approve the minutes as amended and the packet showing the proper people at that meeting. So I would move that approve the minutes of October 17th as written.

COMMISSIONER BEGAY:Second.

CHAIRMAN SCHWARTZ: Motion and second, all those in favor say aye. That passes unanimously. We're saying that it passes 7-0 with two abstentions of persons who were not here at the meeting that would be Commissioner's Briscoe and Commissioner McMahan. Agenda item #2.

BOB PAULSEN: Mr. Chairman, Commissioners agenda item #2 is a very unusual item that relates to a EPC approval of a site plan for building permit and associated site plan for sub-division, that also with had an associated text amendment to the Uptown Sector Development Plan that was acted on by the Planning Commission back in the Fall of 1998, I think it was October 15 of 1998. Specifically, it concerns two conditions relating to the site plan for building permit on case # Z-98-123. And as the material that I submitted to you indicates, and I believe you received a memorandum explaining the request as well as the copy of the notice of decision from that EPC hearing of October 1998 along with materials from the applicant concerning their views of this and as well as the accompanying materials from the DRB submittal. As you probably understand this case concerns two conditions of approval that the EPC made back in 1998, as I mentioned, on the site plan for building permit. At the present time the applicant, the successor, I believe to Tesch Development, is Hunt Uptown LLC, is taking that site plan for building permit along with the site plan for sub-division through the DRB final sign off procedure.

And the two conditions on the site plan for building permit reference a now defunct EPC site plan review committee and required that prior to DRB sign off that the EPC site plan review committee review these two conditions, specifically conditions 15 and 21, to determine whether additional information, as provided by the applicant, was satisfactory to satisfy the Planning Commission's concerns. This has to do with design guidelines, or particularly to restaurant buildings and then the provision of housing as required by the text amendment to the Uptown Plan that was finalized by City Council in the winter of 1999. So the request before you today is from our Staff, from the Planning Department, to review the relevant portions of the DRB submittal on the site plan for building permit to determine whether, in your minds, the intent and the specifics of these two conditions have been satisfied in the submittal to the DRB. The DRB's action on these matters cannot be finalized until the Planning Commission, acting as the site review committee, determines that these two conditions have been satisfied.

So what I'm asking you to do today is to review the relevant portions of that DRB submittal on the site plan for building permit as it relates to conditions 15 & 21, and determine whether in your view that these conditions have been adequately been satisfied. And if so, direct Staff to proceed with the DRB action on this as it relates to these two conditions. I should also let you know a couple of other things. There's a memorandum in your packet that includes a review of these conditions, of all the Planning Commission's conditions related to the site plan for sub-division and building permit. Not all of those conditions have yet been satisfied, or I have not reviewed all the specifics to determine if everything else has been satisfied. The review is ongoing and I'm going to be talking to the Zoning Enforcement Office. So even though, for example, if you suggested or directed today that these two conditions have been satisfied, I'm not ready to authorize final sign off on the DRB submittals as yet. Another matter that you ought to be aware of and I believe Mr. Suffling can speak to this, and I believe you have materials in your packet of information relating to this, is

an appeal that has been filed by the Rodey Law Firm on behalf of Prudential Winrock related to the DRB action on the site plan for sub-division and site plan for building permit. I don't believe... but I'll let Mr. Suffling address this, that the appeal action should preclude your direction to our Staff today regarding these two conditions. DRB cannot proceed with the final sign-off, which requires 5 signatures, one from each DRB member. DRB cannot make that sign-off and the action cannot be complete until these two conditions, amongst others, are satisfied. The way that DRB operates is that once two signatures are achieved on a site development plan, the plan is essentially delegated off of the agenda and the individual members sign-off on the plan individually sometime following the hearing at the DRB, once their concerns have been satisfied. So, in any case, perhaps you would like to hear from Mr. Suffling regarding the appeal issue and if you don't care to hear from him on that I would just suggest you proceed with your review of these matters and give Staff the direction we need to move ahead with this.

CHAIRMAN SCHWARTZ: OK. I have a couple of questions for you. The condition references restaurant singular, those two restaurant pads, were there always two restaurant pads?

BOB PAULSEN: Mr. Chairman, yes and I believe there are a couple of typos in the conditions as written. I think that should have said, restaurants plural in that instance. And also, in that same sentence the sentence reads in condition #15, "The restaurant shall be architecturally integrated into the overall site architecture period." I think the word "*period*" and as many of you may remember Commissioner Heiser, he would say *period* at the end of every sentence. I don't think he was talking about *period* architecture, I think he was saying there should be a *period* inserted there.

CHAIRMAN SCHWARTZ: Is he here today? He said he might be.

BOB PAULSEN: We may wish him to testify in this matter.

CHAIRMAN SCHWARTZ: It was a little confusing that we had a set of plans that stated 2002. So the reason for this in the first place was that there are no elevations for the restaurant and there still no elevations to the restaurant.

BOB PAULSEN: Mr. Chairman that's correct. When this submittal came in there were no elevations for the restaurant or restaurants and the Planning Commission indicated through it's conditions that such elevations weren't needed but design standards could be provided in lieu of such elevations.

CHAIRMAN SCHWARTZ: So these design standards that are not sheet 17, those were not in the packet when it was originally reviewed by the EPC?

BOB PAULSEN: Mr. Chairman that's correct. My understanding is that.

CHAIRMAN SCHWARTZ: So what we would be saying is essentially is that any one of these 10 architectural styles or themes here that are called out are defacto integrated with any of the others, subject to the choice of the developers to which one they fit?

BOB PAULSEN: Mr. Chairman that's my understanding of the themes as presented.

CHAIRMAN SCHWARTZ: Well, I don't what the other buildings look like because we don't have the whole packet here and I don't know how varied those styles are. Are there any other questions for Mr. Paulsen right now? Commissioner Serrano.

COMMISSIONER SERRANO: Yes, Mr. Paulsen there was a letter submitted to us dated November 26, 2002 from Michelle Henrie and I guess my question is that she made a statement that the Uptown Sector Plan became void on October 15, 2000 because no building permits were ever obtained for any of these structures shown on these plans. If that's correct, and I guess my question is, have you resolved that issue and are they valid or are they not valid and are we only listening to the two conditions or what's the status?

BOB PAULSEN: Mr. Chairman, Commissioner Serrano, I would like Mr. Suffling speak to this issue.

CHAIRMAN SCHWARTZ: Thank you Mr. Paulsen. Mr. Suffling.

DAVID SUFFLING: Mr. Chairman, I went back and looked at the date the Planning Commission approved the site plan and the Uptown Sector Plan Amendments and I guess the site plan is contingent on the Uptown Sector Plan Amendments. And the Sector Plan says you have to get your building permit 2 years from the approval. Well, there's been a controversy about what the approval was. Is the approval when the Planning Commission makes a decision or is the approval when the DRB makes a decision? And my opinion is that the approval is when the Planning Commission approves the site plan. The problem here is that after the Planning Commission approved the site plan and the 99 Uptown Sector Plan Amendments that went to the City Council and then there was a lawsuit, several lawsuits filed within I guess 30 days of the City Council approval. My legal opinion is that they couldn't get building permits or it wouldn't make any sense for them to go and get building permits, because those building permits expire, I think in 6 months or a year, while litigation was going on. It doesn't make sense to go get a building permit and start spending money when you're in court over the site plan and the sector plan.

So even though the District Court didn't enter an injunction stopping the applicant from going forward, it's sort of the nature of a defacto injunction because it doesn't make sense to get building permits and start construction when the whole thing may come undone because of the lawsuits. Those lawsuits were completed in the District Court

in the Fall of 2000 and there was an attempt to go to the Court of Appeals and the Court of Appeals declined to hear the case of January, let's back up, the District Court decision was over in the Fall of 1999, the Court of Appeals decision was in January of 2000. So in my mind the two-year period was tolled because of the litigation. You may want to hear from both of the parties on that question. But that's my advise to the Planning Commission.

CHAIRMAN SCHWARTZ: Do you know what the date it was that the building permit was applied for?

DAVID SUFFLING: I don't know that they've yet to apply, because they had to go to the DRB before they could get the building permit.

CHAIRMAN SCHWARTZ: I understand your argument about the tolling. But the date before the tolling, the appeal period does that figure into when the decision becomes final?

DAVID SUFFLING: Yes it does. Let's say that the Planning Commission's decision was October 15th, I don't know if there's a 15-day and I think you have you add that on I think. But I don't think that's going to make any difference in the overall two-year period here.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Mr. Suffling, what about the appeal that's been filed? Is that a valid appeal?

DAVID SUFFLING: I haven't seen that appeal. Kevin Curran is the DRB lawyer and he told me about the appeal and I got it at noon today but I haven't had a chance to look at it. I started reading it but I haven't finished. I believe the appellant acknowledges that that appeal might be pre-mature because there was not a final DRB sign-off. However, it appears to me that these two conditions that are on your agenda today have never been in front of the DRB. So these two conditions are not the subject of that appeal, so I think you can hear these conditions.

CHAIRMAN SCHWARTZ: OK. You recall several months ago we were talking about appeals and the rules about appeals prescribing further action and I think at that time you said once an item leaves the City jurisdiction in other words an appeal to court is not relevant for that ruling. But what you're saying is that this appeal is not based on the subject matter that is before us right now?

DAVID SUFFLING: That's right Mr. Chairman. I think my advice back then was that you could hear that case even though there was a court action because it wasn't subject to the court action. My advice in that case has been vindicated because the

District Court agreed with my interpretation, although it's now going to the Court of Appeals.

CHAIRMAN SCHWARTZ: Any other questions for Mr. Suffling?

COMMISSIONER OWENS: So, should we first make a determination as to the two years, whether or not the two years was valid or extended because of the court proceedings? Should that be our first determination?

DAVID SUFFLING: I'm not clear that that's been raised. If that's an issue that's been raised then I suppose you should make that determination but if no one's raising it, I'd ignore it.

COMMISSIONER OWENS: OK.

CHAIRMAN SCHWARTZ: Applicant. I'm sorry, Commissioner Johnson.

COMMISSIONER JOHNSON: I'm sorry; I have a question for Mr. Paulsen. Mr. Paulsen is the site plan for which these two conditions are outstanding, what's going to happen next to it? I mean is it going to get built? Is the project going to be built?

BOB PAULSEN: Mr. Chairman, Commissioner Johnson I can't answer that. My presumption is that the applicant is pursuing approval to then seek a building permit and begin construction, but there's nothing binding them to do that. Our section of the Planning Department is assigned to just work through the DRB process. Since this went to the Planning Commission following DRB approval, our involvement eventually becomes little if any. So you know, we see them when they're built and we don't see them when they're not. So we have no way of knowing if it will be built. Our presumption is that when something goes to the DRB for final sign-off the developer is seeking to pursue development.

COMMISSIONER JOHNSON: Does it look to you like the proposal that is being made for this site on the other items?

BOB PAULSEN: Mr. Chairman, Commissioner Johnson I'm not sure I know what you mean.

COMMISSIONER JOHNSON: I mean, is what we're seeing here the same thing that is being proposed for the site?

BOB PAULSEN: To the north?

COMMISSIONER JOHNSON: Oh, this has been withdrawn. OK.

BOB PAULSEN: Mr. Chairman, Commissioner Johnson....

COMMISSIONER JOHNSON: This seems academic to me this is why I'm probing.

BOB PAULSEN: Let me make sure that your understanding that the site that's under consideration at the moment is the Spectrum II site south of Indian School. It once was part of the ABQ Uptown request. And in fact I think your site plan materials reflect that, for that particular application. By way of letter, recently, the applicant (Hunt) has removed the Spectrum Two project site, the Monroe site, from that request. We required that of them before we would proceed with reviewing this particular project.

COMMISSIONER JOHNSON: Because it was in this limbo?

BOB PAULSEN: Because there were two proposals being forwarded to the City of Albuquerque at different boards concerning the same piece of property. And we said that we would not consider that arrangement and they resolved that, the duplication I suppose you could call it by withdrawing this site, the Monroe site, from the larger ABQ Uptown Site.

COMMISSIONER JOHNSON: But we don't know if this is what's being proposed to be built, we're just finishing off, we're dotting the I's and crossing the T's on something that happened sometime back. Is that our mission?

BOB PAULSEN: Mr. Chairman, Commissioner Johnson, when the EPC approves a site development plan, like in this instance, before development can occur the site development plan must go to the DRB to insure among other things that the EPC conditions have been satisfied as per their submitted drawings. The applicant is in that process. Upon completing that process they get a signature, five signatures from the DRB, saying you've done that and you may proceed to the next step. My understanding is that is what the applicant is doing and in terms of their intentions beyond that, you'd have to speak to the applicant about it.

CHAIRMAN SCHWARTZ: Thank you Mr. Paulsen. Mr. Suffling.

DAVID SUFFLING: Mr. Chairman, I want to make a correction. When I mentioned that the litigation over the site plan and sector plan was concluded in January 2000, it was January 2001.

CHAIRMAN SCHWARTZ: OK. Applicant and anyone else who is signed up to speak on this agenda item, do you swear to tell the truth under penalty and perjury?

CHRIS GUNNING: Yes sir.

CHAIRMAN SCHWARTZ: Thank you very much. I guess this would be an appropriate time to state that this is a public hearing and not an appeal with the commencer time allotments unless there is a compelling need for more time.

LAWRENCE KLINE: No sir. Did you say on appeal?

CHAIRMAN SCHWARTZ: No, I said this is not an appeal. We're not on the equal time rule here.

LAWRENCE KLINE: My name is Lawrence Kline, Vice-President of Herb Denish and Associated, PO Box 2001, 87103. We are presenting not Hunt Uptown but Hunt Uptown II, LLC, the successor in interest to Tesch Development in the ownership of the Parcel at the southeast corner of the Louisiana & Indian School intersection, known at the Monroe site. As Mr. Denish indicated, our purpose here today is to seek verification and compliance with two very narrow issues that were raised in the October 16, 1991 notice of decision from the EPC on the so called Uptown Spectrum II Plan. Mr. Paulsen read one of those into the record. Do you wish to proceed on both of them together or one at a time?

CHAIRMAN SCHWARTZ: Whatever.

LAWRENCE KLINE: I'd just like to read the other one into the record. The other one was Condition 21. "Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit, in form of decks, terraces or patios and a maximum of one parking space per unit. The revised site plan shall be submitted to the EPC Site Plan Review Committee for final approval prior to DRB submittal". This is an issue, which has been raised. Why did we not apply to the EPC Site Plan Review Committee before applying to the DRB? I did want to clarify that we asked the question. Before we applied to the DRB, we asked, who is the EPC Site Plan Review Committee, we were told that it did not exist anymore and that's why we're here before you today. I don't want anybody to think that we tried to side step this Commission by going to the DRB first. We really tried to follow the rule as written. I have with me, Mr. Chris Gunning who is the architect who put together through the guidelines and addressed the issues related to the housing. But if I may Mr. Chairman, I'd like to address Commissioner Johnson's question.

We're here for the absolute purpose of pursuing diligently to completion, the Uptown Spectrum II Plan as approve by the Planning Commission in 1991. I want to emphasize that our client, Mr. *Sapp* has been diligent in that pursuant. Tesch did not give up the property, in fact until September of last year. And in November of last year ABS held an auction. Mr. Sapp was the successful bidder because it's a public school property it had to go to the Board of Finance, it took several months for the deal to actually be closed, and I believe that was on April the 4th of this year. And about the time that we were seriously embroiled in figuring out what ABQ Uptown was, we thought for a long time about doing the north side of Indian School and the south side

of Indian School as one big piece. And in fact we applied for a Site Plan for Sub-division as though it was one big piece. We then in rethinking it said, we can do the Spectrum; it's a good project. It received a lot of public review and we can live with that. But one of the things that Staff asked us to do was to withdraw the Monroe site from the Site Plan for Sub-division. We have never submitted a Site Plan for Building Permit, other than the one that was before this Commission in 1991 and the one, which was before the DRB on November 13 and November 20th. And absolutely we're here to get it done and to build it. So with that, I'd like introduce Mr. Gunning to actually talk about how he responded to the two conditions unless you have questions for me at this time.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Mr. Kline is the site plan that was submitted to the DRB for approval the one on the 13th and the 20th, the one that we have that is dated November 5th.

LAWRENCE KLINE: That would be the one, yes.

COMMISSIONER JESIONOWSKI: The site plan that DRB saw?

LAWRENCE KLINE: Yes sir.

COMMISSIONER JESIONOWSKI: Thank you.

LAWRENCE KLINE: There are a couple of things. One thing we were told by the Planning Director, by everyone on the staff, "you will turn into the DRB exactly what the EPC saw in 1991". There are things that have changed. One thing is that the City made the loop road 96 feet wide instead of the 86 feet required by the Sector Plan in 1995. So the plan that the DRB saw has a 96-foot loop road in it and not an 86-foot. We also changed the name. There was confusion at the DRB about what its name was because in the Spectrum Plan it's called America's Parkway. But all the other segments, or most of the other segments are called the Uptown Loop Road, so we changed the name from what the EPC saw in 1991. There are bus (inaudible) that the City asked for, now that they hadn't asked for then. So in those simple respects, it's not exactly what you saw in 1991 but it is exactly what you required us to bring to the DRB, with those 21 Conditions.

CHAIRMAN SCHWARTZ: Thank you.

LAWRENCE KLINE: Thank you. Mr. Gunning.

CHRIS GUNNING: Good morning. Mr. Chairman members of the Commission, my name is Chris Gunning, I'm an architect with Dekker, Perich, Sabitini here in Albuquerque at 6801 Jefferson NE. Mr. Tony Lloyd asked me to mention that the 98

feet, instead of the 96 feet. Anyway, I'll let them clear that up. My purpose here today is to describe to you what these design guidelines are intended to do and to address the first condition. We wrote the design guideline is not to just address the (inaudible) put also to address all the buildings on site, and we feel this is the best way to integrate the entire site, through the use these design guidelines. We would also like to say that this corner is the front door of this overall development and it's in our best interest as much as it is yours. It would be acceptable, high quality, a beautiful place to attract the most people we can to the project. The unifying concept behind the design guidelines is to utilize New Mexico's regional architecture of themes as unifying elements. The themes listed in the guidelines comes from the many influences of New Mexico's unique cultural. From Anasazi to Pueblo, Spanish to American and Route 66 to the National Labs influence.

Each building is to be designed based on one of the list of architectural themes. I think that question came up earlier. The idea is not to mix these together but to keep them pure, so that the buildings are in a conglomeration of things, but are good examples of well designed buildings, based on our architectural heritage. The idea behind this is to get an evolved feel for the project rather than one of homogeneity. We want to create unique outdoor urban faces that are easily identifiable from one another, so that when people are passing through the site, they recognize a specific plaza by the buildings that surround it. The guidelines require the use of high quality, long lasting materials and architectural treatment on all sides of the buildings. Articulated building entries, shaded outdoor dining plaza and careful screening of utility spaces and equipment. We feel like these elements further enhance the feeling of quality in both architecture of the project and the public spaces between them.

I'll now address Condition 21, which applies to the open space and partner requirements for the housing. We've actually shown two alternate locations for the housing within the package. One of them is on top of one of the parking structures and the other is the top two floor of the hotel building. Our preferred scheme here is the hotel building rather than the parking garage primarily because of the quality of life style associated with the corsairs and other luxury amenities in a hotel. The views from on top of the tower are going to be great and all those amenities I mentioned are critical with the success of that housing. One other important point about the hotel location for this housing, well in addition the fact that it does meet the 80 square feet of open space requirement, which it does. We've also provided some open space in the form of a roof plaza and the fact that this space was already part of the project, essentially two floors of the hotel was already included in the overall (inaudible) project by exchanging those hotel rooms for housing units, we've left the total square footage for the project the same. And also the parking requirement for the hotel rooms is one space per room as it would be one space per unit for the housing. And at this point I'll open it up for questions.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Mr. Gunning for the record, how many housing units do you have on the project?

CHRIS GUNNING: Mr. Chairman, Commissioner Jesionowski 24 units at about 850 square feet a piece.

COMMISSIONER JESIONOWSKI: So 24 units and 80 square feet which would make it about a 1600 square foot opening requirement?

CHRIS GUNNING: Yes, about.

COMMISSIONER JESIONOWSKI: Let's just run it. 24 plus 80, that's 1760 square feet. For the record, how many square feet of open space do you have in the project?

CHRIS GUNNING: On the balconies it's that exact number. It's the minimum amount, 80 square feet per unit, 24 units which is that number you said, I think. In addition to that we also have these roof plazas which on the preferred hotel scheme about 4000 square feet on the side, so about 8000 square feet of open space on those shared plazas.

COMMISSIONER JESIONOWSKI: So you've exceeded the open space requirement as outlined in Condition 21?

CHRIS GUNNING: Yes sir.

COMMISSIONER JESIONOWSKI: Thank you.

CHRIS GUNNING: Mr. Chairman, it's also been pointed out that the actual requirement is 19 units based on the amount of retail space over, so we've actually exceeded that by an extra 5 units.

COMMISSIONER JESIONOWSKI: Thank you.

CHAIRMAN SCHWARTZ: Commissioner Briscoe.

COMMISSIONER BRISCOE: Thank you. Chris, I'm a little unclear on the design standards, I guess. What we have in the packet to take a look at become familiar with this project or re-familiarize, if that's the right word. I'm trying to relate this into any of these 10. Can you expand on that just a little bit?

CHRIS GUNNING: I can.

COMMISSIONER BRISCOE: If the units, all the various activities on this site are as you said earlier, that they are related, that they have some commonality. I'm a little lost here.

CHRIS GUNNING: Mr. Chairman, Commissioner Briscoe that specific example I think you're pointing to is the hotel elevations that have been included in the packet. First let me say that the examples of the different architectural styles listed in the design guidelines are although they are in writing, they are not really meant to be a literal fine (inaudible) list. What we're trying to do is list some of the influences on the architecture of New Mexico over the last 300-400 years. You know, some of those may be appropriate for the site, some not. I'm certainly not expecting to use every one of them. As far as how the hotel relates to any one of those, probably the closest thing would be the kind of the architecture of the Santa Fe Railroad era. The hotel we were thinking actually of some of the railroad hotels that were built in the smaller towns around New Mexico. Brick and limestone trim, kind of an art deco influence that was built shortly after the turn of the century. So that's kind of where the hotel scheme came from.

COMMISSIONER BRISCOE: We're being asked to review a statement that says, "the restaurants will be designed to meet some standards". The standards are 10; yes they're all architectural styles of New Mexico, a real variety of options. And maybe that's what you wanted, is to be left open to design. It's hard for me to imagine any building that does not fit somewhere in to these. What are we really being asked to review?

CHRIS GUNNING: That's true. I mean, Mr. Chairman, excuse me. The idea really wasn't to leave it wide open though. We were really trying to narrow down to some of the themes of New Mexico. If you want us to narrow it down more, we would be happy to do that. But our intent is to make the highest quality, best looking development here. It's not to shortcut anything. We're wanting to attract people by the beauty of architecture. I think our goals are the same as yours.

COMMISSIONER BRISCOE: Thank you.

CHAIRMAN SCHWARTZ: Any questions? I mean in looking at the book of the item that we're not going to hear today that and I know you might want to change this when it comes back. This doesn't include Route 66 deco over here. And the wording sometimes……

CHRIS GUNNING: Mr. Chairman that was kind of a late idea, that came after. We did this after we did that book.

CHAIRMAN SCHWARTZ: No, although this one does have the sketches. And this page doesn't have the sketches. Okay. Mr. Kline.

LAWRENCE KLINE: Mr. Chairman, thank you. I've worked with a lot of architects and if I had to pick one who's really, really good is Chris Gunning. I suspect that if this Commission were inclined to say, "Mr. Gunning, turn it from 10 thousand to 5 and do it right now", that we would be able to do that, if that's your pleasure. I do need to officially correct one thing. I kept to referring to an October 1991 case, it was October of 1998, so anywhere the record shows October 1991, please forgive me. I have no further comments. It is possible that others may raise issues outside of the 2 specific issues of verification of compliance that we would like to reserve the right to respond to those. And then at the end if I may, Mr. Kelly has a very tiny procedure point that he needs to discuss.

CHAIRMAN SCHWARTZ: Okay. Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. You know Mr. Kline I'm just sitting here trying to read this and understand what our task is, okay. And in order for us to make a determination on Item #15, I would think that we would need to see the architecture on some of these retail buildings as they're outlined in the site plan. I'm looking at the elevations of the hotel; however, I don't have elevations on the other retail buildings and the theaters. So for me to determine whether or not these architectural guidelines integrate into the rest of the site, I would need to see elevations on the rest of those buildings. So where's that at?

LAWRENCE KLINE: Let me respond this way Mr. Chairman, and in fact I have to say something. We are actually not the applicant in this case. Tesch brought this matter to the EPC in 1998; we inherited it in the year of 2002. We saw that these clarifications were necessary so the applicant here today is actually the Staff. And they have instructed us to keep it narrow on those two points.

COMMISSIONER JESIONOWSKI: Are we to interrupt that the architecture from the retail buildings and all of the buildings would follow the same theme, if you pick out the restaurants or something to be one of these 10 different themes that the architecture of the other buildings are going to follow the same architectural theme?

LAWRENCE KLINE: Mr. Chairman, if I may, I know I'm tromping on the architects prerogatives a little bit, we've been heading towards a little bit of an art deco. But we've always believed that a contrast of styles was just as valid as totally, you know integrated styles. So right now are retail buildings and the parking garages are left as they were shown in the Uptown Spectrum approval of 1998. Two of the buildings that we have, shall we say, "hot market interest on"; we've redesigned to be a contrasting but a very beautiful style. I can't tell you who these restaurant clients are going to be. They may want to go towards high tech; they may want to go towards art deco. They may want Route 66 and a lot of neon.

COMMISSIONER JESIONOWSKI: What I'm more concerned about is the retail buildings and how the retail buildings are going to look. So I'd like Mr. Gunning to address that.

CHRIS GUNNING: Mr. Chairman, Commissioner Jesionowski the retail buildings themselves or designed in the 98' submittal with kind of a pre-cast appearance, they have not changed since that submittal. We left them as they are. Most of those buildings are going to be influenced primarily by the tenants that occupy them which are undetermined at this point. So, our intention is to really leave those as they were submitted in the 1998 submittal.
COMMISSIONER JESIONOWSKI: We don't have copies of that 1998 submittal. So, I'm just pointing that out.

CHAIRMAN SCHWARTZ: I agree. Any other questions for the applicant? Mr. Paulsen.

BOB PAULSEN: Mr. Chairman as Mr. Denish, I mean, Mr. Kline and Mr. Gunning have indicated, the elevations of the other buildings that were part of the submittal have not been included in your packet and perhaps that was an oversight. I certainly have the DRB submittal in total here with me. I guess in speaking with the applicant and thinking about this, we had wanted the Planning Commission to just look at these two conditions. I guess, I hadn't thought so much about what these design; I thought the design guidelines might deal more specifically with the restaurant rather than the entire site. So I understand Commissioner Jesionowski's concerns as I hear them regarding what does the rest of the site look like, what do those other elevations look like. If you'd like to pause, I have the plans that can show you that. So, I guess I'll just leave it at that.

COMMISSIONER JESIONOWSKI: If you start with Commissioner McMahan and just pass them around so we can continue this hearing but still be able to say that we looked at those elevations.

CHAIRMAN SCHWARTZ: Commissioner Johnson.

COMMISSIONER JOHNSON: Just one quick question for clarification and yeah, Mr. Kline I think you can answer it. What we're going to see here does it or does it not get into any of these styles?

LAWRENCE KLINE: If I may Mr. Chairman, Madame Commissioner I'd leave that to Mr. Gunning.

COMMISSIONER JOHNSON: Okay, well I'll ask Mr. Gunning.

CHRIS GUNNING: Mr. Chairman, Commissioner Johnson, if I were to say which one of the kind of classification they fit into, it probably would be kind of the Route 66 neon

stream line kind of (inaudible) that you might see along Central Avenue. So you can look at.....

COMMISSIONER JOHNSON: And the hotel was the????

CHAIRMAN SCHWARTZ: The Santa Fe Railroad.

COMMISSIONER JOHNSON: Thank you.

CHAIRMAN SCHWARTZ: Do we have anyone signed up to speak?
LAWRENCE KLINE: A point of clarification.

CHAIRMAN SCHWARTZ: Yes sir.

LAWRENCE KLINE: We're all sworn in, but we don't have to sign up in order to speak to you Mr. Chairman?

CHAIRMAN SCHWARTZ: Not as part of the presenter, no.

BOB PAULSEN: Mr. Chairman we have one individual signed in to speak. Michelle Henry with the Rodey Law Firm.

CHAIRMAN SCHWARTZ: Good afternoon Ms. Henry.

MICHELLE HENRY: Good afternoon Mr. Chairman.

CHAIRMAN SCHWARTZ: What side do you require for your remarks?

MICHELLE HENRY: I have some brief comments, if you'd like to talk about.....

CHAIRMAN SCHWARTZ: I've read your letter and we've all read the letter so there's no need for you to.....

MICHELLE HENRY: I will not repeat what's in the letter. If you want to talk about the appeal or the jurisdiction, I can talk about those issues. We do take the position that this site plan has expired and David Suffling, my understanding of what happened in 1998 is that in October, 1998 the site plan for sub-division, the site plan for building permit were both approved by this body and then a recommendation for the Sector Plan Amendment was also approved. And that amendment was the one that converted the amount of retail from 10% to 20% within the inner core and it also added a housing component that gets triggered with the extra retail and it adds on the 10% housing that we are dealing with now. So, back in 1998, just let me point out, housing was a very important thing to the EPC, and some of you I believe were on that body then. In 1999 the 2 approvals by the EPC were appealed. One was

appealed by a neighbor and property owner, the other was appealed by some the neighborhood associations.

My understanding is that after the sector plan amendment was passed or approved by City Council, both of those pending appeals were withdrawn, which means that there would have been no appeals to court. Now that's based on my research and David I'm going to leave totally open that I could be really missing a whole line of cases out there. But my understanding when I filed the appeal is that as of February 1999 the matter was final. This site plan was approved and there were two years from that point and time in which there needed to be the DRB final sign off and the building permits issues and construction actually begun. So, we are taking the position that we believe that is no site plan that is right before this body, before DRB, before any body because that site plan has approved. And that comes straight out of the sector plan, as you know. And the language is, "the portions of site development plan showing structures, that have not obtained building permits within 2 years, the site plan approval shall be void, but may be re-approved following standard procedure". It's not void able, it's void, they're gone, they're expired. And that's what we are relying on for our appeal. The other issue for us is the notice issue and I want to bring this up because it goes to the question of jurisdiction again and whether these issues should even be brought up. The notice issue is basically, right in the Zoning Code, and it's not something that can be waived, it's not something that can be overridden, it's something that is within the Zoning Code. What it says is that if there is a change in a site plan, that increases the amount of floor space by more than 2%, the Planning Director needs to mail notice to adjacent property owners and to the neighborhood associations. And that was not done by DRB. It was not done. So those are the two real important points of the appeal. Going to the issues that you're looking at, let me tell you how I understand those issues. I understand first the restaurant issue, I understood similar to how Commissioner Jesionowski understands it. The question is, is there going to be a Denny's plopped down in the middle of this, or are we talking about buildings that are integrated in with the other buildings, in the spectrum development. That's the question for the restaurant, and I don't know if we can answer that question based on the site plans that are being passed around. The other question on housing, now I remember housing was terribly important to the EPC in 1998. This project is the reason the sector plan was changed to include the housing component and it was changed at the initiative of this body, not at the applicant's request. So the housing is very important.

As I understand Condition #21, it's meant, it does allow this body to re-review the site plan, the entire site plan, is how I understand that, not just select portions of those site plans. It says site plan, and the whole bunch of the site plan, the site plan for building permit, I think are on the table for this body to consider whether the housing component has been successfully integrated into the Uptown Spectrum Two project and I'm not convinced that it is for the following reasons. First of all, we don't know where it's going to go. We don't know whether it's going to on top of parking garage #2, and if it is as you look at the elevations, it doesn't show on one of the pages. It

was just kind of added on as an extra thought. Let's maybe put the housing here. The other possibility is that it's going to go on top of the hotel, we don't know. And so I ask you, if you are approving this today, what are you approving because we really don't know. We kind of have an idea that housing is going to fit in here somewhere, but we really don't know where. Housing is a very important thing. It's the reason why the Sector Plan was changed. We think that if this body approves this Condition #21, it should do so and require that the housing be constructed concurrent with or along with the other development, particular, preferable in Phase I. As soon as the parking garage goes up, as soon as the retail goes up the housing needs to be there to make it successfully integrated into the project. It should not be an afterthought. So that's all I had prepared to say. Mr. Chairman, I'm here for questions if anybody has any.
CHAIRMAN SCHWARTZ: Any questions for Ms. Henry? Commissioner McMahan.

COMMISSIONER MCMAHAN: Mr. Chairman, thank you. Ms. Henry I don't really understand you're insistence on the concurrency of the housing component.

MICHELLE HENRY: Mr. Chairman, Commissioner McMahan, we understood that what the EPC was getting at in 1998, is that the housing is mitigating sort of impact in this development. It was talked about in terms of air quality, things like that. The housing integration was presumed to help ameliorate some of the negative effects of this project. If the project goes up, housing comes along 5 years down the line, and I'm making that up, I have no idea when it would come along. But the concern is that those adverse affects are going to be already happening; they're going to be along the way before the mitigating impact comes in. It should be hand and hand. That's one concern. The other concern is that we understand, what the sector plan amendment did is two things, and we take them to the hand in hand thing. One is the increase in retail and coming hand in hand with the increasing residential, what it does, is it allows the increased retail to be more viable. We all know there's a lot of retail in the area and what that does is that it helps to integrate the demand with the extra retail that would be coming in. And we understand that to be why the extra retail triggered the housing component. So that's why we believe they should be concurrent.

COMMISSIONER MCMAHAN: So if I understand you right, you think the concurrency will help immolate some of the air quality concerns, number 1 and help the retail to get more, I guess to get profitable sooner, right and then third to help the neighborhood in it's concern about the housing that's available there. Those are the three issues that you really want the concurrency for.

MICHELLE HENRY: I think that's correct Commissioner McMahan. I would say the, I understand the air quality issue too has been an issue from this body back in 1998. I just get that from reading the minutes, I wasn't actually here. So I'm picking up on that concern as a reason why that Condition was placed there. Our concern from the Winrock perspective does include the sustainability of retail within the area generally. So that's maybe not a concern that came out of this body but it was given the hand and hand nature of the sector plan amendments. I do suspect that it might

have been a concern for at least some people on this board, but I don't know to be honest. And the neighborhood impacts are something that we should consider, but it's not something that I directly brought up in my presentation. Thank you.

COMMISSIONER MCMAHAN: Thank you. Thank you Mr. Chairman.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Ms. Henry, help me out please. I'm looking at the site plan here and it appears to me that the housing component is above or on the top floor of parking garage #2.
MICHELLE HENRY: Yes.

COMMISSIONER JESIONOWSKI: You indicated that you're not sure where the housing component is to be located so help me understand your comment.

MICHELLE HENRY: I'm basing that on two things. One was a comment in the letter that the applicant submitted when they first submitted this request, it responds to each of the Conditions. And it does say, "well the housing could be here, or it might be here". And then earlier in the presentation today I also heard that the housing could go here, or it could go there. But I was referring to the elevations is sheet #10 and in some of the elevation sheets it does incorporate the housing, not all of them do. Sheet #10 for example, shows parking garage #2, I estimate that the housing unit would be right there on this end of it, but it doesn't show. But my concern is just that it has been a little bit integrated but I'm not sure how seriously or how fully it's been integrated.

COMMISSIONER JESIONOWSKI: I'd like to point out to you that I'm looking at sheet #1, #5, #9, #14 and #16. So I don't have sheet #10. However.....oh, you're talking about the 98 components.

MICHELLE HENRY: Well actually mine is dated 11-5-2002.

COMMISSIONER JESIONOWSKI: So you have the full set of plans there. And we're looking at an abridge set of plans, however, in this set of plans that I'm looking at, it clearly shows the housing component on above parking garage #2, so you're indicating that we may not know what we are approving, I think it's clear to me what I'm approving, or what we are being requested to approve and where the housing component will be, above parking garage #2. And I just want the record to state that clearly.

MICHELLE HENRY: Okay, then I stand corrected. The approval would be for housing on top of parking garage #2 and not on the hotel. Okay.

CHAIRMAN SCHWARTZ: Commissioner Briscoe.

COMMISSIONER BRISCOE: Thank you. If I may, look at sheet #14. Sheet #14 shows some housing on the top of parking garage #2 but it's been noticed very carefully that it's labeled alternate in housing location. That same wording is used at the top of the page for the top two floors of the hotel. So, it is an either, or. I believe.

COMMISSIONER JESIONOWSKI: Okay, that's a good point. That's why we're here.

CHAIRMAN SCHWARTZ: Any other questions? Ms. Henry?

MICHELLE HENRY: No.

CHAIRMAN SCHWARTZ: Thank you very much. Anyone else signed up to speak?

FRAN TAPIA: No.

CHAIRMAN SCHWARTZ: Okay. Mr. Kline.

LAWRENCE KLINE: In just looking at sheet #10, I just wanted to make sure, one elevation of parking garage #2 that does not show the housing. As I mention before, Mr. Chairman we thought other issues outside the narrow meaning of those two Conditions were going to be raised, Mr. Myers would like to address them.

JOHN MYERS: Good evening Mr. Chairman, Commissioners my name is John Myers, and I'm here on behalf of Hunt Building Two LLC, the owner of the what I call the Monroe site, probably finding fewer and fewer people know what I'm talking about. First, I would like to respond to a few of the things Ms. Henry raised and first the issue about the location of the housing units. There has been some confusion created. As Commissioner Briscoe points out, the plans presented to you, do show two alternative locations for the housing unit. Either on top of parking garage #2 or alternatively on the top floors of the high rise as I call it. We believe that the location of the housing units are more compatible with being located at the top of the high rise and we would really find acceptable and probably preferable to abandon the alternative and simply have the Commission focus on the units on top of the high rise and how we've incorporated the open space to accommodate the high rise residential units. So, I guess we would like to put that issue to rest and really eliminate the alternative on the parking garage. With respect to some of the sort of legal issues that have been raised, first going back to the issue of the two-year sunset clause, I call it, in the Uptown Plan. What the Uptown Plan says is that portions of site development plans showing structures that have not obtained building permits within 2 years of site plan approval shall be void.

I don't agree entirely with Mr. Suffling in that it's my belief that that clock starts to tick when we have a final site plan approval. There is no final site plan approval until the

EPC has acted on a site plan and then until that EPC plan is taken to the DRB and the DRB is satisfied and all conditions have been met and the DRB members put their signatures on the plan. At that point we have a site plan that has legal effect and that can be used to procure building permits. Until the DRB has signed off on that site plan, the site plan has no legal effect. And so we believe that that 2-year starts to run at the time the DRB gives final approval. I think that that interruption makes more sense, particularly when you consider a complex, a mixed used development such as we have here. Where we're talking about building it out in two years following approval. And I think you can appreciate that a project that has hotels and retail and housing units, it's going to be tough to get that done in two years. And it makes sense to say, let's not start that two year clock ticking until you have an approval that can lead you to getting a building permit.

Even beginning with the EPC Approval for that clock to start ticking, as David Suffling has pointed out to you, this EPC approval were held up in the court house for about 2 years and three months following EPC approval. And I'm a little surprised that Michelle didn't have all the facts down on that because it was the Rodey Law Firm representing Winrock who was a party to those appeals. And the appeals were finally resolved in January of 2001 by the New Mexico Court of Appeals declining to hear a further appeal into the Appellant Courts of New Mexico. So, it wasn't until January of 2001 that there was an opportunity to proceed and to stand here and say that Prudential filed an appeal of the site plan. They lost the appeal but that they defacto won the appeal because they kept it in the court house for two years, I think is a tough sell for any of us. With respect to the issue of Condition #21, Michelle suggests that what that condition does is invite the EPC to re-visit the entire site plan and we don't think that's what it says. Again, remember that this was a delegation to the Site Plan Review Committee and the Site Plan Review Committee was a three-person committee who reviewed, I think minor site plan amendments, did so without public notice, and not at a public hearing but it was sort of an informal review process. And what Condition #21 says, it talks about each housing unit having 80 square feet of open space adjacent to the units, and then it says, the revised site plan shall be submitted to the EPC Site Plan Review Committee for review. And you have to read those two sentences together and it seems pretty clear to me that what this was talking about is the Site Plan Review Committee looking to see how those 80 square feet of open space related to those housing units.

With respect to the pending appeal, I guess the Pru-Winrock has accepted the fact that they're appeal is pre-mature at this time and that is not before this body. And the final issue I'd like to comment on is the question of whether there was some failure of notification. In the letter that was addressed to the DRB, Pru-Winrock suggests that there was notice required because there was an expansion of the building area on the Monroe site. The section that is quoted in the letter is the section that comes out of the SU-1 zoning provisions of the Zoning Code and of course this property is not zoned SU-1, it is not regulated by the SU-1 regulations but it is zoned SU-3. So that section just has not applicability. Second that is the section that talks about

amendments to site plans and this, I think the staff would tell you that when the DRB signs off on an approved site plan, it's not amending a site plan, but it is giving initial approval to a site plan. And finally, if we are to eliminate the issue of adding those housing units onto the parking garage, we have no change in the square footage of what was seen by the EPC and seen by the DRB. So, I guess at last it seems hard to imagine that Pru-Winrock is aggrieved by the notification requirements where they have fully and actively participated in these proceedings. If you have any questions, I'd be please to try and answer them.

CHAIRMAN SCHWARTZ: Mr. Myers regarding the Condition #21, it seems to me that the intent of that Condition was to submit revised site plans showing that each housing unit shall have a minimum of 80 square feet of open space. The drawing in the packet is a drawing for the housing on top of the garage. There is not drawing that I find for the hotel, so by saying that, you know, the housing units are going to be on the hotel, then I don't find the drawing that shows that there's the 80 square feet of open space.

JOHN MYERS: I'll let Chris Gunning respond. I believe that the drawing shows balconies for the housing units as well as the open space located, the roof top open space.

CHRIS GUNNING: Mr. Chairman.

CHAIRMAN SCHWARTZ: Now we're going to get into the discussion about where the rooftop is adjacent, but if you're going to make that……

CHRIS GUNNING: It's really an excess of what the requirement is. The balconies themselves will fulfill their requirement; the rooftop is just extra.

CHAIRMAN SCHWARTZ: But what I'm saying is where is the diagram?

CHRIS GUNNING: In the original DRB submittal, if you were looking at that. The only reference to the housing on top of the hotel was a note that said, "alternate housing location". Since the DRB submittal in preparation for this hearing, we worked with the City Planning Department and developed that further, to show not only the note, but also how that housing might fit into the hotel elevations and showing the roof……

COMMISSIONER JESIONOWSKI: But can you pick up this housing component off of the parking garage as it's designed and stick it on top of the hotel building?

CHRIS GUNNING: No, they're really two different (inaudible). One is more of a garden style building where the other one is more of a luxury condominium. The hotel itself is more of a luxury condominium approach.

COMMISSIONER JESIONOWSKI: So we don't have a copy of the housing component on top of the parking garage?

CHRIS GUNNING: It should be on sheets, page 9.

COMMISSIONER JESIONOWSKI: I'm sorry, do we have the housing units on top of the hotel.

CHRIS GUNNING: It shows up in just an elevation form on pages 16 and 14. We don't have a floor plan for it. Essentially in both cases what we show is the roof plan of the units.
CHAIRMAN SCHWARTZ: Okay, I think we've determined that the (inaudible) level balconies are labeled as having 80 square feet. You just don't have a cross section the way that sheet 9 does for the garage top.

CHRIS GUNNING: I can see that.

CHAIRMAN SCHWARTZ: Any other questions? All right, Mr. Kline any other closing comments from you or members of your team?

LAWRENCE KLINE: Mr. Chairman I have none other than to invite Mr. Kelly to address the procedural matter unless you have some questions for me.

CHAIRMAN SCHWARTZ: Commissioner Serrano.

COMMISSIONER SERRANO: I have a question for Mr. Myers. I'm sorry I have this long list of dates that I was trying to run a chronology on here. Tell me again, Mr. Myers which one of these dates it is that you're saying that the two-year period begins, or is not yet?

JOHN MYERS: The appeals were, there were two appeals pending. There was an appeal of the Sector Development Plan Amendments and there was an appeal of the 1998 Monroe Site, Site Development Plans. Those two appeals that the issues in those two appeals were finally resolved on appeal on January 8 and January 10, 2001. So according to Mr. Suffling's advice that's when the two-year period started to run. According to my interpretation it hasn't begun yet.

COMMISSIONER SERRANO: That's right. I just want to make sure that I understood that.

CHARIMAN SCHWARTZ: Mr. Kline, or Mr. Kelly. Good afternoon sir.

JOHN KELLY: Good afternoon Chairman. My name is John Kelly, and I'm with the Modrall, Sperling Law Firm in Albuquerque and we are representing Hunt Uptown on these matters. When we were obtained about a month ago, we ran our conflicts check and in the course of that we came to understand that Commissioner Serrano worked and is employed by a client of our law firm, Bank of America. We don't review

that has a conflict of interest, in fact we think it isn't and we think we're being excessively cautious in even bringing it up here today. But before you go forward with votes on these matters, I wanted to disclose to you that we represent Hunt and that Commissioner Serrano is employed by Bank of America which is a client of our law firm and having said that, we're delighted to have the Commissioner participate in these decisions and we think it's entirely appropriate that she do so. But we wanted to disclose that fact to all of you before we went forward. Thank you Mr. Chairman.

CHAIRMAN SCHWARTZ: Thank you. Are there any questions of Mr. Kelly? Thank you Mr. Kelly. Mr. Kline.

LAWRENCE KLINE: Mr. Chairman, members of the Commission we came here today at the request of staff to acquire if we could, verification of compliance with two very narrow issues. And I believe we've answered every question that you've had related to those and would ask that you certify to the Staff that those two Conditions have been met. Thank you.

CHAIRMAN SCHWARTZ: Is there any Commission that would like Mr. Suffling to either further explain the concept of tolling, suspending of the time frame? Does everyone understand that? All right. I mean my view is that that's a question that ultimately cannot be answered within the City if people choose to pursue it. It's going to be a legal question and if someone wants to.....if it gets pursue by which either side, I think the Council could rule on it, but I don't think that's going to be an authoritative determination. Commissioner McMahan.

COMMISSIONER MCMAHAN: I think it's appropriate for us to take a position on that.

CHAIRMAN SCHWARTZ: Well I mean we're going to.....if we want to rule on it, it's the same thing. But it's just not going to be the final answer either way. You say you think it's appropriate or inappropriate.

COMMISSIONER MCMAHAN: Appropriate.

CHAIRMAN SCHWARTZ: Appropriate, okay. Commissioner Briscoe.

COMMISSIONER BRISCOE: Mr. Paulsen, there was some discussion about square footage increasing. I want your assurance that the square footage is not increased from the 1998 approval.

BOB PAULSEN: Mr. Chairman, Commissioner Briscoe if the applicant pursues the housing units as shown above garage #2, there would be corresponding increase in square footage in the project. If they chose the hotel alternative, my understanding is that there would be no increase in square footage. And if I could Mr. Chairman and Commissioner Briscoe, if the applicant were to chose and the Planning Commission

were to agree that the garage arrangement is the superior one and they felt that that's the direction the applicant should go in terms of providing the housing. It seems to me that saying to choose that arrangement and not allowing them to have the additional square footage would place them in a catch 22 situations. And so, I don't think if the applicant were to chose the garage, the parking garage arrangement that this would automatically constitute a so called amendment to the site plan.

This site plans, as Mr. Kline has indicated, or I believe Mr. Myers indicated is controlled by the Uptown Sector Development Plan not the SU-1 provisions. And I think it just makes common sense also, and the SU-3 provisions in the Uptown Plan don't have the same requirements for amendments and so forth. There are some provisions in that plan to specify how amendments are handled. And it provides some latitude to the Planning Director in approving such amendments. But I don't think this would constitute such an amendment and I think it would be unfair to place the applicant in that situation under the circumstances. But as I understand it, the applicant or the, they're not the applicant today, they're the applicant before the DRB, is indicating that they prefer the hotel arrangement for their housing unit requirement.

COMMISSIONER BRISCOE: One more time. If they choose the option on the garage; which increases the square footage, the total increased in square footage for this very large site is relatively and significant, is that right?

BOB PAULSEN: Mr. Chairman, Commissioner Briscoe I would characterize it as such and it's a required increase, it's mandated by the Planning Commission.

COMMISSIONER BRISCOE: Thank you.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Who decided what pages we get out of the 24 set plans that were submitted to DRB?

BOB PAULSEN: Mr. Chairman, Commissioner Jesionowski it was a combination of myself and the agent for Hunt. It was really a little bit unclear as to what pages you were going to get and we agreed in principal that the Planning Commission should get the pages that were relevant and applicable. We didn't review exactly together which sheets you would get and come to an agreement on that before you were distributed the sheets. In retrospect, it might have been better to give you the entire submittal. At the time it was my decision not to cloud this issue with a packet that consists of over 20 pages.

COMMISSIONER JESIONOWSKI: I would say either spend the money up front, to make copies or you can spend it on litigation, so I would much rather prefer seeing the whole packet. So in the future, especially with something this sufficient, give us everything so we can look at it. We'll make a determination.

BOB PAULSEN: I understand.

COMMISSIONER JESIONOWSKI: Thank you.

CHAIRMAN SCHWARTZ: Any other questions for Mr. Paulsen? Thank you Mr. Paulsen. Any questions from the Commissioners from anyone? Any reason not to close the floor? I will close the floor. Any discussion? Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. I think it's clear and I don't know how Commissioner Johnson and I, if we're going to agree on this or not today. But I think strictly interpreting item #15, that the applicant has submitted the design guidelines, granted it may not be in the form that we anticipated, however reading what the Condition was, I feel that that Condition is met. And I think as far as Condition #21 goes the same applies. Clearly it's any 80 square feet of open space to have a balcony, which meets the open space requirement and I feel that both Conditions are met, so I would be willing to make a motion, if there's not further discussion to that extend.

CHAIRMAN SCHWARTZ: I would say on the #15 that I would agree however that it may have been preferably on the Condition to say that elevations would be submitted, it doesn't say that. It doesn't require that elevations be submitted for the restaurant, it simply requires that design guidelines be submitted and that's what has been submitted is design guidelines. So it's a question of whether or not you want to accept the design guidelines or you have a good reason to reject them or not. Commissioner McMahan.

COMMISSIONER MCMAHAN: Thank you Mr. Chairman. I think this points out that when this body establishes a sub-committee, we probably ought to make sure that it stays in existence and finishes it's work before it sort of rides off into the sunset and nobody knows where it went because we did know that, then we've got this kind of situation where we are acting like that sub-committee. That may or may not be a problem. I certainly hope it's not. I think that the applicant's have gone ahead and have met the two Conditions and I'm prepared to vote with a motion that would approve that. But in the future I think we ought to make sure that if we have sub-committees going we better keep track of what they're doing and where they are. Thank you.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Mr. Chairman, I move that this Commission act to acknowledge that Conditions #15 and 21 as required on the October 15, 1998 those conditions have been met.

CHAIRMAN SCHWARTZ: Do we have a second or findings regarding the location of the housing?

COMMISSIONER JESIONOWSKI: The housing shall be located on the top of the hotel building.

COMMISSIONER BRISCOE: I'm not sure of that. I would prefer that the housing be built, and I'm not sure where it needs to be built, it needs to be built and in fact I don't know how to add it at today's formal proceedings, but I would like to see the housing as was expressed earlier be early in the project. I would like to see it built first, whichever one of these, if the hotel happens first and let the housing be there. If the parking garage is built first then let the housing be there. I think that's a very important aspect of this project and I don't see that we need to limit the location.

CHAIRMAN SCHWARTZ: I would just say that in my mind the housing on the hotel is an entirely different kind of housing product than virtually any other type of housing and in these kinds of situations that I've read about. I've not had the opportunity to actually live in that situation but you typically have access to wholesale services living up there. I mean, you own it but you have access to the room service and whatever you want to pay for. But beyond that, if you wanted to have a trigger, I'd say that the trigger is when the retail exceeds the threshold. So building the housing up front isn't at all related to what triggered the requirement for housing in the first place.

COMMISSIONER MCMAHAN: Mr. Chairman, Mr. Myers has testified that this is a 2-year project. I don't think whether it's built in the first six months or the last six months, I really think it's in the time frame. It's kind of irrelevant.

COMMISSIONER JESIONOWSKI: I would tend to agree and I would like to designate where the housing component is going to go only to answer Ms. Henry's concern as to, you know, do we know what we're approving? And yes, we know what we're approving, the housing on top of the hotel.

CHAIRMAN SCHWARTZ: Commissioner Johnson.

COMMISSIONER JOHNSON: I just wanted to say that I was part of the decision making in when we tied the housing to the retail and we simply tied it (inaudible) square footage that we didn't go any further than that and I don't see any need to go any further than that in terms of timing for a location today. The sense then was let's make sure they both show up, but that was as far as we met.

CHAIRMAN SCHWARTZ: Commissioner Chavez.

COMMISSIONER CHAVEZ: I would just like to make a comment with regards to the location of that housing. That I believe that that housing on that hotel would really

indeed be unique and it would be somewhat of a jewel on top of the city and be something that would be special and I would encourage that it be on the hotel.

CHAIRMAN SCHWARTZ: Commissioner Owens.

COMMISSIONER OWENS: Just a comment on the guidelines, because they're not....I think that technically Commissioner Jesionowski is right that the conditions have been satisfied because guidelines have been proposed. But we've seen how the hotel doesn't necessarily bend to the guidelines either. We kind of got a, "well take your pick, there's ten choices here, you got the pick of the hotel, which one do you want it to be". The guidelines could also say, every building should have a roof. And they'd have about the same effect. Even if they're written in a kind of a compulsory nature. The building shall be designed based on one of the listed styles, so you could design almost any building and call it whatever style you want and I don't think the guidelines have much teeth. But I think that you're correct that I think more work should have been done in 1998, but I think you're correct they've satisfied the two conditions from 1998.

COMMISSIONER JESIONOWSKI: I'd say we blame it on Robert McCabe since he's no longer here. Okay, I'll change my motion and remove the housing component from the roof. And that Conditions 15 and 21 have been met, period. Not to mean period but period.

CHAIRMAN SCHWARTZ: Do you agree with removing that?

COMMISSIONER MCMAHAN: I'm not sure what you just removed.

CHAIRMAN SCHWARTZ: That was a finding, that wasn't a motion. Do you want to strike that finding?

COMMISSIONER JESIONOWSKI: Strike the finding.

COMMISSIONER MCMAHAN: You want to strike the housing from the hotel?

COMMISSIONER JESIONOWSKI: Right.

COMMISSIONER MCMAHAN: I'm not sure I agree with that...(inaudible) (mic was not on)

COMMISSIONER JESIONOWSKI: It's a finding, no condition. 15 & 21 have been met; the housing component goes on the roof the hotel as a finding.

CHAIRMAN SCHWARTZ: As stated in the.....okay, we have a motion and a second with one finding that the.....

COMMISSIONER JESIONOWSKI: Who seconded it?

CHAIRMAN SCHWARTZ: Commissioner McMahan seconded it.

COMMISSIONER JESIONOWSKI: Thank you.

CHAIRMAN SCHWARTZ: And the finding is that the applicant testified that the housing component would be on the hotel. All right, all those in favor say Aye. All those opposed.

COMMISSIONER SERRANO: No.

CHAIRMAN SCHWARTZ: All right that passed on an 8-1. Congratulations Mr. Paulsen.

BOB PAULSEN: Thank you.

THE FOLLOWING ACTION WAS TAKEN:

NOW, THEREFORE, BE IT RESOLVED THAT On December 5, 2002 the Environmental Planning Commission voted to approve Project 1002337/02DRB-01708, specifically concerning 2 Conditions imposed by the EPC on October 15, 1998 on a Site Development Plan for Building Permit, application Z-98-123, for a portion of Tract A, Monroe Junior High School, located at the southeast quadrant of the intersection of Louisiana Boulevard and Indian School Road NE containing approximately 12 acres. (J-19)

MOTION BY COMMISSIONER JESIONOWSKI
SECOND BY COMMISSIONER MCMAHAN

OPPOSED BY COMMISSIONER SERRANO

MOTION CARRIES 8-1

5. Project # 1002202
02EPC-01469 EPC Site Development Plan-Amendment to Subdivision
02EPC-01470 EPC Site Development Plan-Amendment to Building Permit

RODEY, DICKASON, AKIN & ROBB PA agent(s) PRUWINROCK, LLC request the referenced action for all or a portion of Tract(s) A-1-1 and Tracts A-2, A B, C-2A, D-1A and E-1, **Winrock Center Additi** zoned SU-3, SU-2(R-2 & C-2) & SU-2(R-2 & O located on LOUISIANA NE, between I-40 and INDI SCHOOL NE, containing approximately 81 acre(s). 19) Juanita Vigil, Staff Planner

CHAIRMAN SCHWARTZ: I'll let the record show that Commissioner Begay has left. (Time: 4:55pm). Thank you. Ms. Vigil, Good Afternoon.

JUANITA VIGIL: Good Afternoon, Commissioners. This is Item No. 5, Project Number 1002202, Pru-Winrock represented by John P. Salazar, of Rodey, Dickason, Akin & Robb, Law Firm is requesting an amendment to the site development plan for subdivision and an amendment to the site development plan for building permit for Tracts A-1-A, A-2, A-3, B, C-2A, D-1A and E-1, Winrock Center Addition, containing approximately 80.79 acres. The applicant is proposing re-platting action that would consolidate seven lots into five lots. The applicant is proposing to remove part of their indoor shopping mall and existing movie theater to relocate these building spaces to a different location within the site. The relocation of a portion of the existing mall would be storefront designs abutting three newly created internal private streets. The applicant is also supplying design criteria that would give guidance to the future development of the storefronts and signs. Staff is recommending deferral of this case for several reasons. The city engineer is strongly recommending a deferral and the reasons are stipulated on page 49 of the staff report. The city engineer's comments refer to a need for a access evaluation study to determine if the new entrances the applicant is requesting is designed to not create a negative impact to the surrounding areas. To ensure that the application is consistent with the I-40/Louisiana Boulevard Interchange and Road Improvements Agreement that was recently signed between the applicant, the City of Albuquerque, and the New Mexico State Highway Department.

The city engineer also wants to ensure that the access point from the area commonly known as the Old Monroe Junior High School is consistent with the Uptown Sector Development Plan. The applicant has not provided sufficient information to staff to accurately determine the amount of retail space that is allowed on the site. The site is located outside the intense core of the Uptown Sector Development Plan and is limited to 10% of existing retail space, of new retail space. Staff at this point has been unable to determine if the amount of retail space the applicant is requesting is within the 10% for new development. Staff recommends deferral of this case to continue to work with the applicant to make corrections to the submittal, to remove the possibility of having an extensive list of conditions. To go into the details of the road improvement agreement, I have David Suffling, City Attorney and John Castillo from the Public Works Department who would like to discuss this issue a little further.

CHAIRMAN SCHWARTZ: Thank you, Miss Vigil. Mr. Suffling.

DAVID SUFFLING: Mr. Chairman, I had a discussion today with City Attorney, Bob White and Assistant City Attorney, Kevin Curran and also previously with the Assistant Public Works Director, John Castillo who were discussing the loop road alignment and the Uptown Sector Plan and also a contract between Winrock and the City, that addresses how the roadways and some of the internal roadways on the Winrock site would be constructed. The City Attorney asked me to convey to you his strong desire that you defer this matter until the City gets compliance with the contractual

agreement between the City and Winrock. The proposed site plan that is on the agenda tonight does not comply with that road agreement. The City Attorney feels that if you were to approve this site plan it would, it could have an adverse effect on the City's rights to enforce the contract. I'm not real clear on all of the details and I think John Castillo might be the person and he is here and he could address any of the specifics of the road agreement and why we feel that you should not hear this until that matter is resolved between Winrock and the City. Another reason, as Juanita mentioned, another reason for the deferral, that is separate from the road agreement, as she said on page 49 of the packet, and that is that the City Engineer has not had time to address and analyze the traffic impacts of the road alignment that is presented in their site development plan application. I'm not going to address the problem about how to interpret the sector plan about the 10% retail problem. I think that the other two reasons for the deferral are probably sufficient for you to make a decision on the deferral.

CHAIRMAN SCHWARTZ: Thank you Mr. Suffling. Mr. Castillo.

JOHN CASTILLO: Good Afternoon, Chairman, Commissioners. I'm John Castillo with the City Public Works Department. As it has been noted, we have several concerns regarding this submittal. One is that we have been working with Prudential in an effort to look at the traffic and how they want to develop this. To give you a little history, the State Highway Department has redesigned the interchange of I-40 and Louisiana. They are making it or converting it to what is referred to as a single point interchange. If you go back to the old sector plan the concept for that interchange is a little bit different. It had ramp connections to Americas Parkway and a totally different configuration. After they went through a very significant public input process and evaluation of that interchange, they converted it or changed the interchange design to what is referred to as a single point interchange. To give you an idea or if you are familiar with the Coors and Paseo Del Norte interchange, that would be referred to a single point interchange. So the interchange has been redesigned to a single point interchange that really necessitated changes to the access around that location. The ramps would then no longer connect to Interstate, to Americas Parkway and so we worked with Winrock and UNM at the time and entered into an agreement that was accepted and signed off by all parties with the reconfiguration of Americas Parkway. And I shouldn't say Americas Parkway but really the access off of Americas Parkway and the ramps onto I-40.

Americas Parkway essentially stayed the same as it is shown in the Uptown Sector Plan. We worked with Prudential, as I said, over nine months negotiating a contract. That contract required them to give us easements upon advertisement of the project. The project for the interchange was advertised on October 25, we requested the easements from Prudential and they have not given us those easements. Unfortunately I found out today that the Highway Department is canceling the bid for the I-40/Louisiana project. They were scheduled to open it tomorrow, so that bid is not going to be open. We have considered several alternatives that Prudential is tried to

work with us with regard to this interchange; we have talked about different solutions. Today, right now we at the point that the alternative that they suggested, although we would like to consider it further, they have not provided us with traffic information to really look at it anymore. So for that reason, we really request that you not hear this case and you defer it until we can get the required traffic information to move it forward. I'm not sure if you have specific other questions, I think that's, like I said we've been trying to work them, we've been considering their options or their alternatives. At this point we need more information. The alternative that was agreed to in the agreement, was substantially in compliance with I believe the Uptown Sector Plan. The alternative that they have now is substantially different than that. If you have any questions I'd be happy to answer them.

CHAIRMAN SCHWARTZ: Mr. Castillo.

JOHN CASTILLO: I know I'm kind of speaking arbitrary as opposed to showing you pictures to let you know exactly what is going on.

CHAIRMAN SCHWARTZ: Commissioner Owens.

COMMISSIONER OWENS: Mr. Castillo are you saying that the cancellation of the Highway Department's bid on the Louisiana interchange project is somehow connected to the disagreements that are between the City and Prudential are over the Winrock transportation requirements.

JOHN CASTILLO: The cancellation of the project is a direct result of not receiving easements that were required by our contract. That's the result. We have a contract with Prudential at Winrock, Pru-Winrock I might be saying the name or the organization wrong. At the time UNM owned the property and Prudential was I think their agent and had some kind of a lease holding on it. So we entered into a four party agreement with the State Highway Department, Prudential, UNM and the City of Albuquerque with a concept that would allow the single point interchange to be built and access along Americas Parkway to be constructed. We advertised the project within fifteen days they were required to give us the easements and we haven't received them, and basically at this point the Highway Department feels that they cannot move forward with the project without the easements.

CHAIRMAN SCHWARTZ: Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you Mr. Chairman. Mr. Castillo what is the nature of the traffic information that you seek?

JOHN CASTILLO: Basically, they have reconfigured the access into and out of the site, substantially. And so what we would like to do, we have asked them for, we have met with them, we have had a scooping meeting, asking them to see how that traffic would move in and out of their site. So what we are asking them for is not necessarily

a traffic impact analysis, but something similar to a traffic impact analysis that would indicate how traffic would get into and out their site and see if the alternative they have now is a solution that does not impact the rest of the arterials and it works for the transportation system as well as their site.

COMMISSIONER JOHNSON: Thank you.
COMMISSIONER JESIONOWSKI: Question.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Mr. Castillo in your best guess how long do you think it would take to resolve these issues?

JOHN CASTILLO: Mr. Chairman and Commissioner. I think where we're at is basically we need the traffic analysis and so...

COMMISSIONER JESIONOWSKI: Sixty days, Ninety days....

JOHN CASTILLO: Just so you know, there is a couple of things that are being done, one, if we can get the traffic analysis and it indicates that it is something that can work, then we can continue to consider it further. I don't know how long it would take for them to do it; I would suspect they could do it within about sixty days. There are other options that are going forward now, we're considering, Prudential has sued us for breach of contract and I guess we're considering suing Prudential for enforcement of the contract. So there is litigation, pending litigation going on now.

CHAIRMAN SCHWARTZ: Alright, are you asking them, because we hear a lot of this, for a preliminary traffic analysis or are you asking them for a regular full blown traffic analysis prepared by an engineer in accordance with ITE standards for your review?

JOHN CASTILLO: Well we need a traffic study that is prepared by a traffic engineer or a following ITE standards and other traffic engineering standards.

CHAIRMAN SCHWARTZ: Okay. Any questions for Mr. Castillo? All right, is there ....

JOHN CASTILLO: Excuse me.

CHAIRMAN SCHWARTZ: No I was going to say, is someone from the applicant who what's to address these issues, in the interest of equal time and....

JOHN SALAZAR: Mr. Chairman, members of the Commission....

CHAIRMAN SCHWARTZ: Mr. Salazar, let me swear you in, do you swear to tell the truth, under penalty or perjury?

JOHN SALAZAR: Yes.

CHAIRMAN SCHWARTZ: Thank you.

JOHN SALAZAR: Mr. Chairman, members of the Commission, my name is John Salazar, I'm with the Rodey Law Firm, P.O. Box 1888, Albuquerque 87103. I'm here today representing Pru-Winrock the owner of the Winrock Shopping Center. Now if I could say preliminary Mr. Chairman that we obviously have a different take on what has been presented to this point. We argue on our application and what I would like to ask at the beginning if this would be alright, we would like to proceed, we would like to be heard on our application. Would it be acceptable if we made our presentation and then answered, discussed the questions that have been raised?

CHAIRMAN SCHWARTZ: No, I think what, I think right now, I would like you to address the issues that were raised by Mr. Suffling and Mr. Castillo and give us an opportunity to discuss that.

JOHN SALAZAR: All right...

CHAIRMAN SCHWARTZ: If that is sufficient basis for a deferral on its own.

JOHN SALAZAR: Well with regard to the road improvements agreement which has been mentioned and its been suggested that Prudential has a responsibility to deliver certain easements to the City pursuant to the contract. It's our position, that Prudential does not have that responsibility, because there is a provision in the road improvements agreement that provides that the City will reasonably consider a realignment of the roadways, particularly Street A under the road agreement which is critical to what is happening here, and that they will consider realigning it for the betterment of Winrock, in the best interest of Winrock, at Winrock's expense, if Winrock asks. Now when the road improvements agreement was being negotiated, Prudential was then the owner of Winrock and there was some concern that they didn't want to get tied in totally to the roadway alignment at that time, because there was some thinking that maybe a redevelopment of the mall, Prudential was thinking about what it might want to do with the Mall, at that time the University still owned the ground on which Winrock Shopping Center sits. But given the road improvements agreement, which provided that if Winrock felt that it was in its best interest to do realignment, the City would reconsider it. Well then Prudential was comfortable then, spending $25,000,000.00 purchasing the land on which Winrock sits.

That was done after the road improvements agreement was entered into, because Winrock thought it had an agreement and an understanding with the City, that should they need to rework the roads, that then the City would work with them. So it was quite some time ago that, in fact it was May of this year, there were meetings with City transportation suggesting that there might be a different way to work the roads inside Winrock, so that the vision of the Uptown Sector Plan could be realized by creating

more of an urban feel, main streets within an eighty acre site in the heart of Uptown. So it was an exciting concept, the planners loved it, the City Planning Department loved it and we had to work with City Transportation and City Transportation was taking the view, that it no it has to be the way the first drawing was, even though we pointed out that the understanding was, gentlemen, that if there is a better way to do it, we would all see if we could make it happen in a better way.
I find it somewhat interesting, that Mr. Castillo would tell you that we shouldn't be before you to consider a realignment of the roads, when he suggested to us, look maybe we can't amend this road agreement, we disagree with that, we think City Transportation could amend it, because City Transportation entered into it. City Transportation is the one that drove this road improvements agreement, now they started backing off, and maybe we can't amend it. We were asking that for several, several months, we'll lets see if we can amend it and they weren't sure that they wanted to amend it and they didn't think they wanted to do it. And then we did file our application for a site plan which does have a little bit different roadway alignments and then Mr. Castillo said, well since you have now filed an application before the EPC, let's see what they decide, if they decide this new roadway alignment is okay, it will be okay with us, but don't ask us to amend it, because now you have applied to EPC to amend your site plan. So we think they still can amend the road improvements agreement, because they in essence did it, but then they said, well if you applied to EPC, let EPC decide and we will go along with that, that's the correct forum. Today he comes up and says well you shouldn't do this; because they haven't done what they are suppose to do pursuant to the agreement. Mr. Chairman, if I may, since this point has come up, let me just show you a letter that Mr. Castillo did write us. If I may, Mr. Chairman, this letter is dated October 18, 2002, from John Castillo to me, subject granting of easements.

Dear Mr. Salazar, thank you for your letter of September 18, 2002 regarding proposed modifications to loop road, which we identify as Americas Parkway, as stated previously, the proposed changes to Americas Parkway are not provided for in our existing agreement. And we disagree with that. But, *you have recently submitted a site plan amendment for your site to the Environmental Planning Commission, which includes the proposed modifications. Approval of these changes are best addressed comprehensively through this process.* So he said go to EPC if you want this done, don't come to me. And then he says, *as you know we're scheduled to advertise and we want the easements.* But, they said okay this is the place to do it, come here, so we think its disingenuous for Mr. Castillo to come here today and say no you can't consider it, because we have a disagreement about the road improvements agreement. So we do think we are entitled to be heard, we think the matter; to the extent there is an issue. We think the approval can be conditioned, we think you are entitled as the planning body of the City of Albuquerque to consider really how this should be laid out, what is consistent in your view with the Uptown Sector Plan. How can we implement that plan, this Uptown Sector Plan and does the PruWinrock proposal comport with that and advance it? We think it is totally within your prerogative certainly to hear this matter. We think it is within your prerogative to

decide this matter and we think it is within your prerogative and once you hear our presentation, that you would be entitled to approve our project. So Mr. Chairman, if we may, we would like to proceed with our presentation.....

CHAIRMAN SCHWARTZ: I guess, I'm more concerned about the easements than the agreement.
JOHN SALAZAR: Well the easements are called for in the agreement, but that assumes that the easements are assuming alignments different from those, which we are now proposing. Under the road improvements agreements there is a clause that says we can, we are entitled to have different roadways considered.

CHAIRMAN SCHWARTZ: I guess my concern is this, it seems to me that improving the Louisiana interchange is kind of a linchpin to the traffic for this whole area including your site and if these improvements don't go through it kind of cascades into all of the traffic implications for your site and then the other site and the whole sector plan area. So, I don't know how to explain, you know traffic seems to be traffic and the air quality issues that result from that traffic seems to be one of the major issues surrounding this site for the past ten years. They don't seem to be in all of these things we've seen here kind of trying to put the traffic issues, will we'll deal with those later, you know, we'll build everything now, then we'll figure out the traffic and I don't know if I'm comfortable with that.

JOHN SALAZAR: Well, Mr. Chairman, I would suggest to you, if you could hear our presentation, I think you could see how we are dealing with it and we are happy to stand for additional questions. We think if you see our site plan, that would probably prompt some additional questions and give us the opportunity to address any concerns that you may have. We think we can fully and completely address any concerns you may have and we do think that this is better situation. In fact, I would suggest, I would mention to you that the State Highway Department has been involved in these discussions about the road improvements agreement and was a party to it. They have seen the proposed site plan and they of course know what is in the road improvements agreement and I believe I can say, represent to you, that the State Highway Department believes it's an improved condition for the roadways.

CHAIRMAN SCHWARTZ: I'd like to hear that from Mr. Abbo. Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. I think that it ought to be reasonable, since this developed here recently and it resulted in the cancellation of the bids is that Mr. Suffling and the Legal Department in the City has some time to respond or at least look into what the allegations are and to give us some sort of interpretation before we hear the case. So I would think that we need at least more time for the Legal Department to give us the information so we can decide whether or not we want to move forward. So I don't think at this time, I'm comfortable in moving forward with hearing the case, until I hear what the Legal Department has to say.

CHAIRMAN SCHWARTZ: Any comments. Commissioner Johnson.

COMMISSIONER JOHNSON: I have a question. Do we have a copy of the agreement in our packet?

JUANITA VIGIL: Mr. Chair, Commissioner Johnson. No, the packet from what I understand is, the agreement is a hundred and some pages long.

COMMISSIONER JOHNSON: Oh, I'm sorry, I didn't understand that.

JUANITA VIGIL: It's one hundred and twenty eight pages long.

COMMISSIONER JOHNSON: It would be helpful, I mean I think this concept if there is a better way to do, that's fine, its an interesting path to follow, but we're stuck with only learning that at this time. And not knowing what role it plays in the agreement and clearly in the letter that you handed out today, Mr. Salazar. Mr. Castillo, says both, its well to consider it in this comprehensive fashion, but he also says, but you need to give the easements, so it sounds to me like the easement granting was sort of the paramount part of the agreement, but of course its difficult to judge that, because and its probably not even our role to judge what's the paramount thing in the agreement.

JOHN SALAZAR: Well the granting of the easements to the City are not critical to the interchange project. There were certain easements the State Highway Department needs; there were certain easements the City needs. The State Highway Department is prepared to go forward with the interchange with easements, which Prudential is considering giving to the Highway Department. What is causing the problem is that the City is insisting on easements being given to the City that are inconsistent with the site plan being proposed. Prudential is not slowing up the interchange project. Prudential and the State Highway essentially have an agreement on what can be done to advance the interchange. But City Transportation is insisting on easements which are totally inconsistent with this site plan and in fact City Transportation took the position that you should give us the easements for Street A which is a street that would run from the west side of Winrock to the new on ramp onto the freeway, up towards Americas Parkway. And so you should give us that easement and then we'll build the road and then if EPC approves the new alignment, you Prudential can come, you can tear up the new road and you can put in the new road the way EPC approved it.

Now that doesn't make much sense and so we didn't think that made much sense. The Highway Department doesn't need the easements that City Transportation is insisting on and City Transportation appears to be willing to jeopardize the interchange project to make its point. And we don't understand that, because Prudential and the State Highway Department essentially have an agreement on how to go forward, but

the City Transportation Department is refusing to let that happen because its insisting that certain other easements being given to the City, which are not critical to the interchange project. And I think Mr. Chairman if we could make our presentation at least you would have the big picture. You could decide whether or not you what to decide or whether you what to defer. You obviously have that; you know you don't have to decide today, we think you could decide today. We think at least as you ponder the issues it would be helpful to you if you knew what in the world, the context in which we are talking about these issues. We think it would be helpful to you, as a deliberative body to know that, because you are kind of operating in a vacuum here, you know with these things being thrown at you and we think it would help if you saw in context.

CHAIRMAN SCHWARTZ: Commissioner Serrano.

COMMISSIONER SERRANO: Thank you Mr. Chairman. Would it be, I'm not sure if this would be somewhat of a compromise to allow the presentation and not render a ruling but continue it. Could we continue the hearing, maybe Mr. Suffling?

DAVID SUFFLING: You can do that.

COMMISSIONER SERRANO: I mean since we're here. Hear the presentation and then continue for a reasonable period of time, you know for you to come up with some kind of interpretation on that issue if it affects the project.

DAVID SUFFLING: You can (inaudible – Suffling not speaking into the microphone), I think Mr. Castillo wants to respond to Mr. Salazar.

COMMISSIONER SERRANO: Okay. Thank you.

CHAIRMAN SCHWARTZ: Okay, any other questions to be directed to Mr. Salazar. Thank you sir. Mr. Castillo.

JOHN CASTILLO: Thank you Mr. Chairman. I would like to I guess provide a little different perspective on some of the things that Mr. Salazar has noted. We as my letter says, think that it is fully appropriate that this come to EPC and I don't think at anytime did I say that this should not be heard at EPC. I think what I was saying is that we need traffic information prior to coming to EPC. I think that is common, that is standard and that is what we've asked for, so that we could fully evaluate the concept. We have over a period of months evaluated several concepts from PruWinrock. We've looked at them, we've provided comments and we've considered them. We would like to consider this one. We're asking them to provide us with traffic analysis, because based on what they're giving us right now; we cannot make the assessment without it. And so we would like to continue to consider it as we have in the past, as we would like to continue in the future. We are asking for the traffic information. With regard to the changes and I'm not sure if I can describe this, the agreement talks

about for the betterment of Prudential, they can make changes to Street A. Street A is an internal ring road within this existing site.

If you look at their site now, Street A, if you were to look at their site the way they've shown it today and what our agreement has for Street A, Street A doesn't exist anymore. So it's not a modification of Street A that they are asking for. They are asking for a complete realignment if you will at best of Street A. They are moving Street A completely out of where it is now to a different alignment, they are changing the access along Americas Parkway, so we've asked them for information, so that we can evaluate it or continue to evaluate it. At this point, you know they have not produced that information. With regard to Mr. Salazar's comments that the Highway Department can proceed if they got their easements. I know that the Highway Department asked and worked with John to try to get easements so that they could keep the core project open. And as recent as this afternoon, because I know they spoke to them, because I spoke with the Highway Department, Prudential refused to give them those easements. And not give us our easements, okay. The Highway Department was asking, can you give us the easements they needed to build their core project without giving the easements that we needed for the rest of the project and Prudential refused.

And just so you understand one of the easements we need that actually goes to the City, but is actually related to the interchange is there is a ramp that is proposed to be constructed that would be basically be at the, the southwest corner of the Winrock site. So it's basically, you know where the Macaroni Grill is, so a little bit south of there. There is a ramp that is being proposed that would go underneath the ramp, the off ramp and connect on to I-40. That ramp, construction of that ramp is contingent on the City getting easements that would connect from a public ramp to a public street. Street A was designated to do that. So in order to really understand that we can build which is about a million dollar ramp and connection we need also that easement and that easement was coming to the City because the Highway Department was not going to accept that easement. But theoretically, the Highway Department wouldn't need that ramp unless we had the rest of the street built. And I know I might of lost some of you, but hopefully you understand there was a ramp connection to the interstate that was going to be given to the City in order for that ramp to be built.

The Highway Department wouldn't built it otherwise and its millions of dollars with regard to that type of construction. And the bottom line is we are considering their alternatives, we've continued to consider their alternatives. There is no deadline on us considering their alternatives. As Mr. Salazar pointed out Winrock as it says in the agreement they are financially responsible to pay for it, so whether it makes sense or not, they are financially responsible to pay for any change, modifications to Street A. So we could proceed forward with our agreement and if they got changes to it then they can make modifications. The agreement calls for us to consider it, the agreement calls for them to give us those easements fifteen days after advertising the project.

We advertised the project October 25th; we haven't received the agreement or the easements.

CHAIRMAN SCHWARTZ: Mr. Castillo…

JOHN CASTILLO: So I guess the issue is with regard to your evaluation of it, you are going to be evaluating it and evaluating access without any input or traffic analysis regarding how the system will work, that's our concern. Not that the agreement, basically you are evaluating a site plan, that we're not sure the traffic will work with it.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Based on those comments, I don't think we should hear the case. I want the traffic issues worked out first, before we sit here and belabor this whole thing for hours and hours and then we find out that it has changed.

CHAIRMAN SCHWARTZ: Mr. Salazar, briefly. I'm sorry, Commissioner Johnson.

COMMISSIONER JOHNSON: I have one more question for Mr. Castillo. I am going to express my unhappiness that we're kind of stuck here making a decision without the materials to make it with. I mean it would have been much better, I did find in my packet, what I think is a picture of the agreement, but its hard to follow and you all would have to start out this way and have something to point to and make clear to us what the issues are. Because it's very difficult to follow the issues. My question of you is, is and since we don't know what the alternative is being proposed until we get into the presentation, if we get into it. Are there alternatives that you've seen that you think are absolutely unworkable?

JOHN CASTILLO: We early…. Mr. Chairman, Commissioner. Early on they submitted changes to Americas Parkway and we considered those changes and we rejected them. We gave them letters saying that that they were not going to be considered any further. They subsequently made other changes, we have continued to look at changes, and considered their changes, and continued to work with them. We are at point now, okay, we think this is something we'd like to look at further, and we want traffic analysis that tells us it will work. At that point we met, we met with their engineer, we did a traffic impact analysis-scoping meeting. So I think everybody understood what we were asking for and we've yet to see the information.

COMMISSIONER JOHNSON: Okay, is it fair to interpret what you just said as the things that you believe they're going to put on the table are in the category of things that you would consider, that you would not reject out of hand. But you would want to have traffic analysis before you would actually accept them.

JOHN CASTILLO: At this point and I'm not sure I quite understand, but there are things they put before us that we said we would not accept.

COMMISSIONER JOHNSON: Yes, as far as you know are those being offered?

JOHN CASTILLO: They are not being offered anymore. The analysis of the project that is being proposed now, we're saying gives us a traffic analysis so we can consider it further.

COMMISSIONER JOHNSON: Because you think it might work?

JOHN CASTILLO: We don't know if it will work, we're not sure, until we get the analysis, we want to understand how its going to work.

COMMISSIONER JOHNSON: Okay. I understand that. And my point about the materials was directed at both parties, because I think that both parties have brought this forward and made it kind of a gate keeping issue and we do really need better materials to understand it. Thank you.

JOHN CASTILLO: And I guess Mr. Chairman and Commissioner, prior to this hearing we had our scooping meeting with regard to the traffic information that we were expecting prior to this hearing.

CHAIRMAN SCHWARTZ: Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chairman, I'm curious and I guess I should say I'm a little late, but I think there is neutral comment, because I didn't expect them to get this far I would have made a disclosure regarding potential conflict before hand. But, I'm curious if this dispute regarding easements and this agreement and so forth would be a reason to delay consideration of this project. Would that mean that it would be reasons to delay considerations of any project in this area? And if it does, it doesn't seem that would be fair, because whatever traffic situation with regard to this dispute, not only applies to Winrock, but it would apply to anything in the general area. So it doesn't seem like it would be fair to other projects, to delay them because of this dispute and perhaps not fair to this project to delay because of the dispute. I sort of see the dispute as a separate issue that could in deed be dealt with, with conditioning or with proceeding with the case and deciding to continue it if we decide there is a problem with it. If this is a problem for this development, then it has to be a problem for a lot of things in the area.

CHAIRMAN SCHWARTZ: I think assuming that the reconstruction of the Louisiana interchange is going to result in a more efficient dispersion of traffic, if its not constructed, now you have traffic backing up on Louisiana to the north and it is, it's going to impact... you know you can't really have a definitive solution to traffic problems unless you know which scenario its going to be designed around. So as far as any mitigation from any other projects, what do you mitigate to, do you mitigate to an existing condition or do you mitigate to the new scenario with the new interchange.

COMMISSIONER CHAVEZ: Therefore, I think that any project; at least we should consider that any project should be considered with the idea with conditioning with regard to how this intersection impacts it. If you look at it in the reverse, I don't think it would be fair for Winrock to be in a position to delay other projects, by not resolving this dispute. And the reverse it might not be fair to Winrock to be delayed because of the dispute. I think the dispute is something separate that could be conditioned in any case that we hear regarding this interchange and the traffic impact and any property nearby.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski

COMMISSIONER JESIONOWSKI: However, my concern is that Mr. Castillo can not give us his interpretation as to what the traffic situation is or will be based on the proposed amendments, okay. So I'm not going to be prepared to make a decision, without his interpretation, so why don't we get his interpretation first. Everybody else, who comes before this body, has to get Mr. Castillo's interpretation first, traffic. Winrock should be the same; Winrock should get Mr. Castillo's interpretation, be it positive or be it negative. Right now I have no interpretation, I would like to see his interpretation first.

CHAIRMAN SCHWARTZ: Commissioner Johnson.

COMMISSIONER JOHNSON: I'm going to disagree with Commissioner Jesionowski, finally.

COMMISSIONER JESIONOWSKI: Surprise!

COMMISSIONER JOHNSON: I think this is not like any other project, this is a fairly unusual circumstance, its long, its complicated, I don't think there is any reason not to begin to get information about the project, this evening. I certainly doubt very strongly that we would come to any decision making point and I would be reluctant to make a decision until I felt that this other issue was resolved. But I don't see any harm in gaining the information about what is being proposed, I think we will be ahead of the game in terms of time and I think it will take us a while to get there, so that's going to be the way I look at it.

CHAIRMAN SCHWARTZ: Commissioner Briscoe.

COMMISSIONER BRISCOE: If we begin to take to that part tonight, then we are into a condition it seems to me like continuance.

COMMISSIONER JOHNSON: Uh-hum.

COMMISSIONER BRISCOE: If we open ourselves up to a continuance, this could drag out for many months. At which time you have changing appointments, changing commissioners, who can hear the case it gets extremely complicated. I think this should be deferred.

CHAIRMAN SCHWARTZ: Director Chavez.

DIRECTOR VICTOR CHAVEZ: Mr. Chairman I just wanted to add something, my concern in this whole argument, is that the concept that we should consider, that we should fairly consider changes in the alignment is very real. Mr. Salazar is absolutely certain on that. But what we've got, that is before us now, is not a changed alignment, it's a different road. It's a totally different road. And what concerns me is that if you begin to take information, you know the road, instead of winding through here to get on, now this is the way you get on. That's not a realignment, that's a different road. And until this is resolved, we don't know what to present to you. You know this has become very muddy in just the last 48 hours, and I think, you know Commissioner Briscoe is correct, you know we could start down this thing, but we may end up on the wrong road, so to speak. You need to be careful about this, because this is a very critical issue a very important project for the community. I'm the last person who would want to get up and say slow progress down, but you may be hearing something that is completely changed in the next few days. So, be careful.

CHAIRMAN SCHWARTZ: Thank you sir, Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: I'll make a motion for....

CHAIRMAN SCHWARTZ: I want to hear... I told him Mr. Salazar that I would let him respond.

JOHN SALAZAR: Thank you Mr. Chairman, I'll be brief, with regard to Mr. Castillo's comments. Mr. Castillo is correct that there does need to be a public street going to the on ramp that goes to the freeway, he is absolutely correct about that. But the plan that we want to show you this evening, does show an alternate public street to the on ramp, that the Highway Department feels is better than what is presently proposed. So we think that is an improved condition. As Mr. Castillo is candid enough to say, he said maybe this plan would work, but he didn't know as of right this minute he didn't know. We think he's going to love it. That's why we want to get the chance to show you what we're thinking about. The other thing is I think Mr. Castillo may have been misinformed about one item, he said that Prudential refused to give the easements to the Highway Department. That is not correct. Prudential is working on giving the easements to the Highway Department, the Highway Department is very much aware of that, they are working with us to see how we can make it happen.

One other thing that I think is important on the traffic study, Winrock has got an entitlement on the traffic study. In 1991 there was an entitlement indicating that as

long as the square footage for the mall or the shopping center didn't go over 941,000 square feet which is what it had been approved for previously, no traffic impact study would be required. In fact when we submitted our application that form was signed off, no traffic impact study required. Now there has been some suggestion that maybe we should have some sort of access study, because maybe there is a difference on access points. We think that is a relatively minor matter in terms, because we're not talking about any more square footage. We're still talking about getting people to and from Winrock from the same points essentially and its there was some thinking that maybe that changes things a little bit. But a traffic impact study is not required, everybody agrees on that. So we don't think that that traffic issue is that big an issue. So what we would request, is that you hear the case and at least get the information and the you can decide, is it a big deal, do you want to condition it, do you want to continue it, how do you what to handle it. But at least get the information so you've got the big picture. We think it would be helpful and we think it makes sense we would certainly appreciate it.

CHAIRMAN SCHWARTZ: Thank you Mr. Salazar. Commissioner Johnson.

COMMISSIONER JOHNSON: Mr. Salazar, Thank you Mr. Chairman. Mr. Chavez came up here and pointed to where the new road was going to be and it's a very different location from where the road is now. Is that in fact the nature of the change, it's a very different location than where the road is now?

JOHN SALAZAR: It is a different location, it's a much better approach to the ramp, because the way the ramp, the way the present, the way the road in the road agreement is drawn it would be very circuitous, the road the way its proposed in the road improvements agreement would come from Indian School Road, down the loop road, then if your coming south you would have to take a left and go into Winrock and get back into its internal ring road to get further south to get to the on ramp. Now this is a different approach to the on ramp, but it's a straight shot to the on ramp from Pennsylvania and the Highway Department has indicated that it's a much better approach and it doesn't have the circuitry that they .....

COMMISSIONER JOHNSON: Do we have any documents from the Highway Department so indicating?

JOHN SALAZAR: I don't think there is a document, there certainly have been conversations, and I don't know that there is a document so indicating.

COMMISSIONER JOHNSON: Thank you.

CHAIRMAN SCHWARTZ: Okay, thank you Mr. Salazar. Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: I would like to point out that staff has recommended deferral. Mr. Castillo has suggested deferral. The Director of Planning

has recommended deferral and I'm proposing a motion to defer this for sixty days to coincide with the February 13th hearing of the other two cases…

CHAIRMAN SCHWARTZ: You forgot the City Attorney.

COMMISSIONER JESIONOWSKI: Oh the City Attorney, excuse me, has recommended deferral as well, so I'm suggesting a deferral to February 13th to coincide with the other hearing and we can hear this all at the same time.

COMMISSIONER BRISCOE: I question whether we need to set a date on it, it seems to me that the applicant and the City need to set the date on when we should hear it again.

COMMISSIONER JESIONOWSKI: Well I don't think we can indefinitely defer it, so I would like to do is set a date and have them try to achieve an agreement or something by that date. Everything happens in the time frame allotted, okay.

CHAIRMAN SCHWARTZ: Commissioner Johnson.

COMMISSIONER JOHNSON: I will actually support your motion, because of what I have learned about the difference in the streets being proposed, I thought these were minor differences, but they are not minor.

COMMISSIONER JESIONOWSKI: So is that a second?

COMMISSIONER JOHNSON: I'll second it.

CHAIRMAN SCHWARTZ: So we have a motion and a second, is there any discussion? Okay seeing that…. Okay, Mr. Paulsen.

BOB PAULSEN: Mr. Chairman, Commissioners and others involved in this case, we've been sitting here concerned about a matter and I think this is a point where we feel we have to bring it up and Juanita has been a little uncomfortable while we're listening. In your Sector Development Plan on page thirty-three, there's a diagram, I think this is the correct page. The street system improvements as set in the Sector Plan in 1995, when this revision was adopted and there is some considerable articulation in the text relating to this. We're wondering if Winrock proposes to go ahead with the alignment they are currently suggesting, if their alignment as proposed requires a text amendment to the sector plan. Now I think the text in the plan provides some room for adjustments of the alignment you see in the plan, I think its been the opinion of the City, that the alignment that the circulation system as you see on Exhibit A that's been agreed to, more or less meets the functionality of what we see in the sector plan.

We now have a question and we were hoping to see some traffic information before we made a conclusive determination, but we're wondering if the alignment being proposed now by Winrock where the traffic circulation system represents a departure from this plan to the point where it's an amendment. I'm raising this, not to create an additional situation or complexity, I would hate for Winrock to proceed any further without having the Planning Commission understand some of this issue and perhaps they would like to... and Mr. Salazar is getting up and maybe he would like to respond to this, but I would hate to see them come back in sixty days and find out from staff that you need an amendment. I think we need to talk a little bit about this tonight so that they know where they are at regarding the staff's view point of this change in the circulation system.

CHAIRMAN SCHWARTZ: Okay is this relevant to the motion we have on the floor?

BOB PAULSEN: I think this is relevant to their application and the fundamental issue of what might be heard.

CHAIRMAN SCHWARTZ: Okay, thank you Mr. Paulsen. Mr. Salazar.

JOHN SALAZAR: Thank you Mr. Chairman. I think that it's a legitimate inquiry that has just been raised, but let me tell you what it's a very important consideration, very important, because if we would need a text amendment to the Uptown Sector Plan to get the amendment to the road improvements agreement we're talking about. Then there is a very serious question about the road improvements agreement. The road improvements agreement upon which the City is relying today, it amends; it amends this figure three on page thirty-three of the Uptown Sector Plan substantially. City Transportation never got the consent of the City Council to amend this document when they did the road improvements agreement. So if that's the case, the road improvements agreement is not valid and we're back to G5 and let me, for example, let me just show you what is different about this picture and City Transportation did this, it didn't go to City Council. These are really important, big points...Prudential worked very hard with the City to get the road improvements agreement, Prudential gave up an improvement that was called for on G5 which is on page thirty-three, that was going to cost the City millions of dollars to construct and Prudential gave it up to take a little right in and right out off Louisiana.

If you look at this document and first of all it shows the ramps coming off the freeway, off to the loop road, do you see that, it comes up to the loop road from Interstate 40, that's no longer the case, the road improvements agreement doesn't show that, it shows a different way the ramps are handled. Then you see this wide entrance into Winrock that is just up from the interstate, if you go north, it goes east/west from Louisiana into Winrock, that was a fully signalized interchange, right in and right out direct access to the I-40 on ramp from Winrock through a signalized intersection. That was deleted. City Transportation agreed to delete that. They didn't take that to City Council. You know what were asking for with regard to the loop road, we're just

asking for a right in and right out and they say we may need a sector plan amendment and we're saying we just would like a right in and right out and now their saying, maybe you need a sector plan amendment.

How in the world did they do the road improvements agreement, which substantially changed this picture and with by of necessity changed the accompanying text in the Uptown Sector Plan without City Council approval? Which means then, what are we talking about, we don't need to do anything with regard to the road improvements agreement, lets just go back to this plan. If that's really the position, lets go back to G5 and we don't have to worry about this road improvements agreement, because it never got City Council approval. I think it's a legitimate question that Mr. Paulsen has raised, but if City Transportation wants to take that position, then they've just thrown out the road improvements agreement, which we are back to G5, which was adopted by City Council, its part of the Uptown Sector Plan.

CHAIRMAN SCHWARTZ: Mr. Paulsen.

BOB PAULSEN: Mr. Castillo would like to respond.

CHAIRMAN SCHWARTZ: Mr. Castillo.

JOHN CASTILLO: I guess the comment that City Transportation is requesting a sector plan amendment is inaccurate, we are not asking for that. I think perhaps the Planning Staff had thought that this might be an issue, we don't see it as an issue, and we've never asked for or required a sector plan amendment with regard to the changes on the loop road.

CHAIRMAN SCHWARTZ: Well, Mr. Briscoe.

COMMISSIONER BRISCOE: Is what we're going to see a realignment that gets the on ramp up near Pennsylvania?

JUANITA VIGIL: Mr. Chairman, Commissioner Briscoe, yes.

COMMISSIONER BRISCOE: Then that's very different. Then I can certainly see the point that a site plan, that a sector development, that a sector plan would need to be amended for that. That's taking access off of Pennsylvania virtually, not off Louisiana that neighborhood. It impacts the neighborhoods very greatly, very differently. It's a very different proposal.

CHAIRMAN SCHWARTZ: Mr. Salazar.

JOHN SALAZAR: Mr. Chairman, if I may, perhaps I misunderstood the question, but I thought the question was would the ramp be off Pennsylvania instead of Louisiana? No the ramp would stay at Louisiana. The on ramp onto the freeway would stay at

Louisiana. Now the approach, the approach to the on ramp would come from Pennsylvania, there's an access point there presently. There's a, in fact I think it's a signalized intersection right there, it would be the southeast entrance to Winrock off Pennsylvania and it would just, if I may refer to this drawing…

COMMISSIONER SERRANO: It would be like a feeder road, is that what your saying….

JOHN SALAZAR: Yes, this is the site plan, (inaudible, not talking into the microphone) … it shows where Winrock is, of course this is I-40, Pennsylvania running north and south. The new on ramp, the new on ramp (inaudible).. Winrock comes in right here at the southwest corner of Winrock onto the freeway and originally the access was going to come from Indian School down the loop road and then through the project and wind its way down the ring road (inaudible) to this on ramp. The suggestion now is to actually have a public street that comes from Pennsylvania as an access road to the ramp, which comes along the southside of Winrock onto the ramp. So it's a straight shot, we're not mixing shopping center traffic necessarily (inaudible)….because as Mr. Castillo says, to get the funding for the ramp, for the on ramp onto the freeway, the public has to have access to the ramp, it can't be just a ramp for the shopping center, so he's correct about that. But, as I've indicated, the State Highway Department preliminary thinks that this is a better solution to getting people onto the on ramp. But, the ramp itself is not moving.

CHAIRMAN SCHWARTZ: You know we didn't hear the case earlier about the sector plan provisions and we deferred it, but I'm going to make this comment anyway. You know there's this resolution R-46 out there. It says to initiate a review of the Uptown Sector Plan and solicit public input regarding proposed amendments. It says be it resolved, that the City should initiate a review of the Uptown Sector Development Plan, that the City Planning Department should as part of its review solicit the input from the public, input should include information about transportation strategies that have yet to be implemented. One of the motivations of this was in response to the concerns about piece meal plan revision lawsuits, lack of (inaudible) …. large vacant parcels, Councilor McEntee sponsored a resolution to repeat the uptown plan. I mean its all there, I mean the City was supposed to take the lead on revising this plan and incorporating all these transportation solutions in there and it hasn't been done. We're right back apparently when Councilor McEntee sponsored this resolution. We have piece meal revisions proposed, we don't have lawsuits yet, we certainly have a lot of pre lawsuit activity, and I don't know how it could be anymore clear. We're doing it piecemeal and we're not doing what we said we were going to do. Mr. Chavez.

DIRECTOR VICTOR CHAVEZ: I would like to comment on that; you know there was a lot time spent on working out this plan.

CHAIRMAN SCHWARTZ: I'm sure there was.

DIRECTOR VICTOR CHAVEZ: That transportation system was reviewed, there was a solution arrived at, there were agreements signed and now it's different. So the effort has gone in to plan this properly and now it's a different ballgame than what was laid out less than a year ago and signed just months ago.

CHAIRMAN SCHWARTZ: I don't dispute that, I think that was the reason there was this initiative to get a city lead revision.....

DIRECTOR VICTOR CHAVEZ: And I just want to assure you that it was done and there were good results from that.

COMMISSIONER JESIONOWSKI: So the question is, I think on the floor here, is does that in our interpretation require a sector plan amendment and I think what your saying is yes. Is that what your saying Alan?

CHAIRMAN SCHWARTZ: Well, I'm saying I don't know how literal you want to make the map, I mean we have a drawing on page thirty-three that doesn't look like anybody's presentation that we've seen. Okay, so that's not what the applicant is currently presenting, that's not what's represented on this attachment that the City says was the agreement either, so if your position is that you have to make a literal interpretation of a street map on a sector plan, then someone needed to initiate a application to modify the sector plan.

COMMISSIONER JESIONOWSKI: So we should give the applicant guidance, that they should consult with staff and with City Legal to make a determination as to whether a sector plan needs to be amended.

CHAIRMAN SCHWARTZ: I suppose. I think what concerns me mostly, is that we have had lot of references to the State Highway Department, but we haven't heard from anybody from the State Highway Department.

COMMISSIONER JESIONOWSKI: Yes that would be helpful.

CHAIRMAN SCHWARTZ: We've got a lot of representations about the position of the State Highway Department, but we don't actually have that directly from the State Highway Department either. Either from a verbal testimony or written information. So, that's, I don't know.

COMMISSIONER JESIONOWSKI: So are we back to the motion?

CHAIRMAN SCHWARTZ: So we're back to the motion, oh wait just one moment; I have a couple of comments. Commissioner Owens.

COMMISSIONER OWENS: Just an observation with respect to the sector plan amendment, whether we need it. I was looking at the narrative in the plan that

describes with particularity the loop road and its in great detail; it describes it in great detail. And the resolution proving the plan specifically calls out that the text of the "policy and design controls" section of the plan are adopted as an extension of the zoning code and its zoning map. So that to me it says its really, this narrative about mobility, completing uptown street system and the specifics of the loop road etc..were adopted very specifically and not as general guidelines?

CHAIRMAN SCHWARTZ: Mr. Salazar.

JOHN SALAZAR: Mr. Chairman, I just wanted to comment on something that Mr. Chavez said, because he was not Planning Director when the road improvements agreement was negotiated, but he indicated I guess assumed that it was studied thoroughly before it was entered into. There was no traffic impact analysis done before prior to the road improvements agreement being entered into. There was no access study done, before the road improvements agreement was entered into. The City did not do those studies before they amended G5 that is in the Uptown Sector Plan. So we feel our request is pretty modest compared to the change from G5 to the road improvements agreement and we feel in terms of what were doing is relatively modest.

CHAIRMAN SCHWARTZ: Okay. Its page thirty-three, G-5.

COMMISSIONER JOHNSON: Okay.

CHAIRMAN SCHWARTZ: Okay, we have a motion on the floor.

COMMISSIONER JESIONOWSKI: And a second.

CHAIRMAN SCHWARTZ: And we have a second. That motion was to defer this item until the...

COMMISSIONER JESIONOWSKI: Until the February 13th hearing date to coincide with the other two hearing date.

CHAIRMAN SCHWARTZ: Alright, all those in favor .....

COMMISSIONER MCMAHAN: Can we move the time up from 3:00 p.m. to noon to start, no; we wear our jimmies, okay.

CHAIRMAN SCHWARTZ: We have one less item, than we did today. All those in favor of the motion signify by saying Aye.

Commissioners: Aye.

CHAIRMAN SCHWARTZ: All those opposed.

UNAPPROVED

COMMISIONER CHAVEZ: Abstained.

CHAIRMAN SCHWARTZ: Okay that passes 7-0-1. Thank you all very much.
THE FOLLOWING ACTION WAS TAKEN:

NOW, THEREFORE, BE IT RESOLVED THAT On December 5, 2002 the Environmental Planning Commission voted to defer Project 1002202/02EPC-01469 EPC Site Development Plan-Amendment to Subdivision and 02EPC-01470 EPC Site Development Plan-Amendment to Building Permit, to the Environmental Planning Commission Public Hearing on February 13, 2002 at 4:00 p.m.

MOTION BY COMMISSIONER JESIONOWSKI
SECOND BY COMMISSIONER JOHNSON

ABSTAINED BY COMMISSIONER CHAVEZ
MOTION CARRIES 7-0-1

NOW, THERE BEING NO ITEMS BEFORE THE ENVIRONMENTAL PLANNING COMMISSION WE ADJOURN AT 6:00 P.M.

City of Albuquerque
nning Department
Development Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: October 16, 1998

OFFICIAL NOTIFICATION OF DECISION

Uptown Square, Ltd.
2444 Louisiana
Albuquerque, NM 87110

FILE: Z-98-123
LEGAL DESCRIPTION: For a portion of Tract A, Winrock Center Addition, zoned SU-3, located on the southeast corner of Indian School Road and Louisiana Boulevard, containing approximately 9.63 acres. (J-19)
BOB TORRES, STAFF PLANNER

On October 15, 1998, the Environmental Planning Commission voted to recommend approval to the City Council of Z-98-123/SD-95-4-2, an amendment to the Uptown Sector Development Plan (Intense Core area), to ow 1) retail floor space to increase from the Plan maximum of 10% to 20% of a site's floor space (Gross usable Area), and; 2) to increase the retail floor area allowed in a free-standing building from the Plan maximum of 20,000 to 26,000 square feet. (Uptown Sector Plan, Section 1.A.5). One housing unit is required per every 2,000 square feet of retail above the 10% former maximum up to the new maximum of 20% of retail. A minimum of 80 square feet of adjacent open space in the form of decks or patios and a maximum of 1 parking space should be required per unit provided. Based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request to amend the Uptown Sector Development Plan, Section 1.A.5 (Intense Core), to allow 1) retail floor space to increase from the Plan maximum of 10% to 20% of a site's total approved floor space (Gross Leasable Area), and; 2) to increase the retail floor area allowed in a single freestanding building from the Plan maximum of 20,000 to 26,000 square feet). Add housing at a minimum of 1 unit per additional 2,000 square feet of retail above the former 10%square foot maximum to a new maximum of 20% square foot of retail.

2. The Uptown Sector Development Plan was adopted by the City Council on June 19, 1995. It provides policies and regulations to guide development in the Uptown area and emphasizes the need for mixed use in the development.

   The proposed Sector Plan amendment applies to the entire "intense core" area of the Sector Plan.

4. If the City Council has jurisdiction to adopt the governing Sector Development Plan, only the City Council may approve Sector Development Plan Amendments (except areas less than one block). (Zoning Code, Section 14-16-4-3 (C)(3) p. 235)

5. Restaurant uses which provide food and drink for consumption on or off-premises are considered to be retail uses by the Zoning Enforcement Officer, and by the City Zoning Code (Section 14-16-2-16 (A)(7)(I)).

6. The Environmental Planning Commission has previously recommended approval of a Sector Plan Amendment for this site allowing 15% retail uses (Z-96-119/SD-95-4-1; January 16, 1997).

7. Per the Zoning Enforcement Office, theater use has been determined not to be a retail use.

8. Housing should be in integral aspect of mixed use sites.

9. Additional housing is desired in the SU-3 Uptown Sector Plan area.

10. R-70 encourages mixed use development and intense mixed use development at certain locations within the city limits.

On October 15, 1998, the Environmental Planning Commission voted to approve Z-98-123, a Site Plan for Subdivision, based on the following Findings, subject to the following Conditions, and contingent on City Council approval of the concurrent Sector Plan amendment.

FINDINGS:

1. This is a request for approval of a Site Plan for Subdivision for a 9.63 acre site creating a 7.52 acre lot for phase I development, a 2.11 acre lot to remain vacant at present, a segment of Americas Parkway, an 86' right of way public road, access and egress and related circulation.

2. The proposed Site Development Plan for Subdivision meets the minimum requirements for approval.

3. The alignment of the Loop Road, Americas Parkway, has been set.

4. Temporary access to the project site may be provided by an interim alignment of the Loop Road, extending south from Indian School Road to the southerly project boundary.

5. With minor modification as specified in the recommended Conditions of Approval this plan conforms to applicable City plans and ordinances.

6. Housing should be an integral aspect of mixed use sites.

7. Additional housing is desired in SU-3 Uptown Sector Plan area.

CONDITIONS :

1. Comply with Transportation Development Division conditions as follows:

A. A TIS has been performed for this request. An update of the TIS / AQIA to reflect the changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan. The implementation of and/or monetary contributions for mitigation measures required subsequent to the *TIS negotiations* must be done by the developer and accepted by the City prior to site plan sign-off by the DRB.

B. Implementation of applicable **Uptown SDP** requirements. This includes the development of the Uptown Loop Road. A proposal to realign the Loop Road from the originally agreed 'G-5 Alignment' in this section, from Louisiana Boulevard to Indian School Road, to improve intersection spacing is being considered. An agreement between this property and Winrock Center needs to be reached on the realignment.

C. The modification to the design of Southern entrance to America's Parkway may be considered if the proposed ramp to Interstate 40 is eliminated as part of the redesign of the I40 / Louisiana Interchange.

D. Dedication of 62 feet and 43 feet from the existing centerline, and the full width of 86 feet of right-of-way for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

E. Construction of the needed street improvements, including pavement, curb and gutter, signal conduit, turn bays, medians and deceleration lanes, and 6 foot to 15 foot sidewalks for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

2. The submittal of this Site Plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal indicating how the site development plan has been modified to meet the EPC conditions.

On October 15, 1998, the Environmental Planning Commission voted to approve Z-98-123, a site plan for building permit, based on the following Findings and subject to the following Conditions:

FINDINGS:

The Site Plan for Building Permit proposes a mixed use development on a 7.52 acre site in the Uptown area at the southeast quadrant of the intersection of Indian School Road and Louisiana Boulevard.

2. The Plan proposes a total 455,570 square feet of development including a 14 screen, 4000 seat theater, one large retail building, 6 smaller retail buildings, one shops building, other shops in the theater building, 2 stand alone restaurants, a 25 story, 300 hundred room hotel and 2 parking structures. Housing components shall be added as per the requirements of the Sector Plan Amendment as recommended by the EPC.

3. The proposed Site Plan for Building Permit generally meets the requirements of the Sector Plan for a mixed use development.

4. Additional housing is desired in mixed use sites. Housing could be provided as studios, lofts, or more nontraditional housing types. 80 square feet as a minimum should be required for open space in the form of decks, patios, or terraces. Parking requirements are less then normally required for housing types.

5. Housing units should be provided above retail buildings, offices, restaurants or parking structures.

CONDITIONS:

1. The applicant shall participate in a Transportation Management Organization (TMO), providing and installing bicycle racks or storage, employee lockers and showers, carpool and vanpool parking, and on-site ATM's as per the original agreed on traffic mitigation plan for this site (attached).

2. The applicant shall submit for DRB review detailed plans and elevations for each building, plaza, and landscaped area which show proposed facade improvements and decorative features, etc.

3. The applicant shall submit for DRB review a complete landscape plan, including all required vegetation elements, specifying such specific landscape details as bench placement, planter areas, tree planting hole and grate details, drainage, and irrigation. The applicant shall also provide landscape plans for all plaza areas, drawn in detail at a maximum scale of 1"=10'. The plan should also locate and identify lighting, signage, public art and other elements not well illustrated in the submitted plans.

4. Additional design drawings should be submitted prior to DRB showing design enhancement of the pedestrian path to the north, east of Retail 1. This could include skylights, window treatment of Retail 1, furniture, color, texture, lighting, and other enhancements to make this path attractive and safe.

5. The north facade of Garage 1 shall be enhanced by providing display windows along the lower elevation of the garage.

6. The applicant shall conform to all applicable portions of the Americans With Disabilities Act, including providing convenient and safe access to all major entries and pedestrian connections. Pedestrian ramps shall be given locational priority over stairs.

7. Building and plaza signage, lighting and ornamentation shall substantially conform to the illustrations presented in the applicant's submittal package, including the booklet entitled, Design Elements and Supplemental Information. Permitted ornamentation shall include one or more of these features per tenant space, to the satisfaction of the Planning Department:

- Awnings
- Decorative banners, flags, streamers, etc., of a semi-permanent nature, including banners advertising public or private cultural events
- Light fixtures
- Additional Landscaping, including portable plantings
- Additional Pedestrian features
- Other amenities and decorative elements to the satisfaction of the Planning Department

Illuminated signage is not permitted on the east building facades from 26' above finish grade to the uppermost building elevation.

9. Monument signs shall not be higher than 10' or greater than 100 square feet in area. The number of monument signs shall be restricted to four, one at the entrance on Indian School Road , one at the northeast corner of the site, one at the Americas Parkway entrance, and one at the Louisiana Boulevard entrance.

10. The signage criteria submitted is a condition of approval except where it may conflict with the Zoning Code or with the Uptown Sector Plan. Delete the criteria which prohibits flags and banners.

11. Standard parking spaces are 20' x 8.5' and shall be so noted on the site plans.

12. Provide pedestrian connections to adjacent uses at Winrock Center including clearly marked textured alternative paving across the loop road. A connection across Americas Parkway at mid site along the east property line shall be 20 feet wide, this connection shall occur directly to the north of the access road. All pedestrian crossings of drive aisles shall have textured pavement and a minimum 8 foot width.

13. Comply with the following Transportation Development Division conditions:
A. Modifications to the Indian School Road entrance -
... provision of a deceleration lane (includes dedication & construction).
... Modification of entrance to include adequate space for all traffic movements either entering or leaving the site, and an adequate throat area for queuing of traffic entering or leaving the parking structure.

... the entrance will operate as a full movement access point, construction of a median opening for left turns will be required. Additional right-of-way may be required as determined by the requested traffic analysis.

B. Modifications to the east side entrance -

... must be 40 feet wide to accommodate a 16 foot entrance lane & two 12 foot exit lanes for approximately 50 feet before the transition to 30 feet in width.

... the hotel entrance must be 30 feet in width; the turnaround at the 'Porte cochere' entrance must have a minimum radius of 30 feet; and provision of an exit lane with a maximum width of 18 feet , and intersect at a 60 degree angle with the Loop Road.

C. Modifications to the south side entrance -

... entrance must be a service drive exit only.

... the exit must intersect west of the Interstate 40 Ramp / Loop Road intersection.

... the 20 foot exit lane must intersect at a 45 to 60 degree angle to the Loop Road.

D. Provision of adequate pedestrian circulation with handicapped features within the site and to the adjacent streets, this includes connections to the adjacent residential and commercial developments.

E. The site plan must identify surrounding uses and provide dimensions where appropriate, i.e., structures, streets, drive aisles, parking spaces, walls, signs, etc.

F. Vehicular and pedestrian circulation pattern must be developed to the satisfaction of the Traffic Engineer.

G. Provision of direction pedestrian access from parking garage elevators to the proposed pedestrian mall.

H. The completion of the Americ's Parkway should determined and participants are urged to complete negotiations as quickly as possible.

14. The submittal of this Site Plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal indicating how the site development plan has been modified to meet the EPC conditions.

15. The restaurant shall be architecturally integrated into the overall site architecture period. Guidelines shall be developed and submitted to the EPC site plan review committee. معاد

16. Street trees shall be added at 30 feet on center on the westside of the restaurant building along Louisiana.

17. Delete the walkways shown on the east, west and south side of the parking garage number 2, convert it to landscaping.

18. Improve pedestrian connections from garage number 2 to the pedestrian ways to the east, west, and south of the site.

19. Widen the sidewalk directly to the east of the south restaurant; the sidewalk runs in a east/west direction. Shade trees shall be added at 25 feet on center along the pedestrian way.

20. Housing units shall be added to the site at a rate of 1 unit per 2,000 square feet of retail above the 10% former requirements up to a maximum of 20% of retail on the site. Parking shall be required at a maximum of 1 space per unit.

168

21. Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY OCTOBER 30, 1998 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE OF $50 IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Sincerely,

FOR Bob McCabe
Planning Director

BM/BT/ac

cc: Contract Purchasers, 2325 San Pedro NE Suite 2B, Albuquerque, NM 87110
Stefan Verchinski, Classic Uptown Neigh. Assoc., 2700 Espanola NE, Albuquerque, NM 87110
Faye Hansen, Classic Uptown Neigh. Assoc., 2912 Charleston NE, Albuquerque, NM 87110
Donna Yetter, Inez Neigh Assoc.,2111 Hoffman NE, Albuq., NM 87110
Marcia Swezy, Inez Neigh Assoc.,2120 Utah St NE., Albuq., NM 87110
Jeffrey Goldberg, Mark Twain Neigh Assoc.,1313 Espanola St NE, Albuq. NM 87110
Olin Kane, Mark Twain Neigh Assoc.,2120 Utah St NE, Albuq., NM 87110
Cynthia Benedict, New Kimo Neigh Assoc., 2407 Cardenas NE, Albuq., NM 87110
Janet Bryant, New Kimo Neigh Assoc.,2434 Valencia NE, Albuq., NM 87110
Pat Drennan, Quigley Park Neigh Assoc.,2925 Madeira Dr. NE., Albuq., NM 87110
Ralph Schulz, Quigley Park Neigh Assoc.,2818 Madeira Dr NE.,Albuq., NM 87110
Robert Peter, Snow Heights Neigh Assoc.,1609 Wisconsin NE., Albuq., NM 87110
Pat Moser, Snow Heights Neigh Assoc.,1417 Rhode Island NE., Albuq., NM 87110
David Campbell, Uptown Assoc.,6100 Uptown NE Ste 500, Albuq., NM 87110
David Kleinfeld, Uptown Assoc.,6121 Indian School Rd NE. Ste 500, Albuq., NM 87110
Mary Wilson, Winrock Villas Conda HOA.,1601 Pennsylvania NE #H-7, Albuq., NM 87110
Marie Collins, Business Mgr.,Winrock Villas Condo HOA.,1601 Pennsylvania Ne Albuq., NM 87110
Thea Hanson, Zuni Neigh Assoc.,7400 Leah Dr NE., Albuq., NM 87110
Carolyn Arashiro, Zuni Neigh Assoc.,7416 Arvada NE., Albuq., NM 87110
Kathie Leyendecker, Coalition of Uptown Neigh Assoc.,6409 Zimmerman NE, Albuq., NM 87110
Frank Burton, 2721 Chama NE, Albuq. NM 87110
John Salazar, P.O. Box 1888, Albuq. NM 87103
Micky Loeb, 9002 Aztec NE, Albuq. NM 87111
Roger LeClerc, 9110 E. Nichas, #200, Englewood, Co. 80112-3405

ALBUQUERQUE
NEW MEXICO
1706

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

Clarify for DRB Agenda

April 12, 2002

Mr. Lawrence S. Kline AICP
Herbert M. Denish and Associates
PO Box 2001
Albuquerque NM 87103

Re: DRB-97-178 - "Uptown Spectrum"

Dear Mr. Kline:

In my capacity as City Planner, I am writing in response to your letter of March 13, 2002 inquiring as to the state of approvals of the above referenced project.

After review of our files and discussion with my staff, I can state the following:

The Site Plan for Subdivision and Site Plan for Building Permit were submitted to the Development Review Board (DRB) for final sign off pursuant to approval by the Environmental Planning Commission as case #DRB-97-178. The Uptown Spectrum project was last reviewed by the DRB on June 16, 1998. At that time agency comments were issued and an infrastructure list was prepared and submitted. The DRB has not received a response to the written comments, nor has the infrastructure list been signed, or a Subdivision Improvements Agreement executed.

On November 23, 1998, the DRB received a letter from the agent, George Rainhart Architects, requesting indefinite deferral of the matter. That request was accepted. It was our understanding that the project approval had been appealed from the Planning Commission decision and that the agent did not wish to proceed with DRB approval until the appeals were resolved. I have confirmed with the Assistant City Attorney, Mr. David Suffling, that in fact all appeals related to the case have been resolved.

The City does not require that a Site Plan for Building Permit approved by the Planning Commission be brought before the DRB on any given schedule. By virtue of the fact that an indefinite deferral was requested and granted in this matter, the DRB's action related to Uptown

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

Spectrum is not complete. And until it is complete, no building permits can be issued on the site.

However, the case can be re-opened by re-submitting the required documents to the DRB. Given that agency comments and infrastructure lists have already been formulated, and providing there are no substantial changes to the plan approved by the Planning Commission, the case should move through the DRB process relatively quickly.

I would like to emphasize that the only plan which can be used to re-open this case is the plan which was before the DRB at their hearing on June 16, 1998; to assure proper documentation I have attached a copy of that plan for your reference. Please be aware that this Site Plan sheet is attached to several other sheets of building elevations and so on, also approved by the Planning Commission, which are available to you at your leisure.

Also be aware that any substantial deviation from this plan will require resubmittal not to the DRB, but back to the Planning Commission. So I caution you that to truly re-open this case at the DRB level, you must be prepared to accept the plan, and all the conditions appurtenant to it, "as is".

Also be aware that approval of the plan pursuant to a Planning Commission approval does not in any way relieve the applicant of compliance with all other applicable City ordinances and policies in regard to the issuance of a building permit.

We look forward to your application and as always will assist you in every way in bringing your project to fruition.

Sincerely,

Victor Chavez PE
Planning Director

cc: Fred Aguirre, City Engineer
Kevin Curran Esq.

Copy to
Eric
Wrage

5057

original to James T.

September 30, 1998

Joe David Montaño, P.E.
Transportation Planner
City of Albuquerque
Transportation Division/PWD
P.O. Box 1293
Albuquerque, NM 87103

Copy

BOHANNAN HUSTON
Courtyard One
300 JEFFERSON NE
Albuquerque
NEW MEXICO 87109
Tel 505.823.1000
505.821.0892

Re: **REVISED SUBMITTAL**
Changes in Land Use for Uptown Development at Monroe School Site
DRB Case Number: 98-178, EPC Case Number: Z-96-119

Dear Joe David:

Enclosed is documentation of the revised changes in land use at the above referenced project. This submittal is to replace the letter to you dated August 21, 1998. Table 1 is the number of trips generated by the approved development and Table 2 contains the trips generated by the proposed development. The site plan for the proposed development is also attached. This is provided to compare the trips generated by the proposed land uses in the development with assumptions used in the original study.

As we discussed, the proposed land use changes do not increase the number of peak hour trips for the development. Therefore the conclusions of the original traffic impact study and the improvement requirements identified continue to be valid and will maintain acceptable levels of service on the local transportation system.

We are also working with Jim Barr and Taschek Environmental Consulting to determine the net effect on the air quality analysis due to this proposed change. Please feel free to contact me or Eric Wrage regarding any questions you may have. Thank you.

Sincerely,
Bohannan Huston

Albert M. Thomas, P.E.
Vice-President & Managing Partner
Traffic & Transportation Group

AMT/jc
Enclosure

cc: Amar Tesch, Tesch Development
George Rainhart, Architects & Associates
Richard Dourte, City of Albuquerque
Tony Loyd, City of Albuquerque
Jim Barr, City of Albuquerque

Land Use Changes Letter

-80-

Table 1 – Approved Trip Generation As Per Traffic Study

Land Use (ITE Code)	24 Hour Two - Way Volume	AM Peak Hour Enter	AM Peak Hour Exit	PM Peak Hour Enter	PM Peak Hour Exit
Hotel - 200 rooms (310)	1,740	80	54	82	70
General Office - 331,700 sf (710)	3,474	432	53	76	373
Walgreens - 15,600 sf					
Pass-By (20% PM only)				35	33
Non Pass-By		49	45	140	132
Retail 19,500 sf (820 Shop. Ctr.)					
Pass-By				70	70
Non Pass-BY	2,544	39	23	116	116
Quality Restaurant - 14,000 sf (831)	1,344	0	0	69	34
Total without Movie Theater					
Pass-By				105	103
Non Pass-By		600	175	483	725
5% peak hour trip reduction for mixed use development		30	9	29	41
Total with reduction					
Pass-By				100	98
Non Pass-BY		570	166	459	689
Movie Theater - 90,000 sf (444). Based on 16-screen movie theater 250 seats per screen.		0	0	293	187
Total with Theater and reduction					
Pass-By				100	98
Non Pass-By		570	166	752	876

Table 2 – Proposed Trip Generation

Site Plan Land Use	Land Use - (ITE Code)	24 Hour Two - Way Volume	AM Peak Hour Enter	AM Peak Hour Exit	PM Peak Hour Enter	PM Peak Hour Exit
Movie Theater (Located Above Parking Garage)	Movie Theater – 70,000 sf. Based on 3,000 seats (14 screens) *	5,280	0	0	256	164
Hotel	Hotel – 300 rooms (310)	2,469	102	66	96	87
Restaurant 1	Quality Restaurant – 8,500 sf (831)	765	0	0	43	21
Restaurant 2	Quality Restaurant – 10,500 sf (831)	944	0	0	53	26
Retail 1	Retail - 26,000 sf (815 Free Stnding)	1,472	17	9	55	55
Retail 2	Retail - 12,500 sf (815 Free Stnding)	708	8	4	27	27
Retail 3, 4, 5, 6 & 7	Retail - 16,845 sf (814 Spclty Rtl. Ctr.)	685	0	0	19	25
Shops in Theater	Retail - 8,000 sf (814 Spclty Rtl. Ctr.)	325	0	0	9	12
Shops (Food Court)	High Turnover Restaurant– 3,225 sf (832)	420	16	14	21	14
	Total without General Office	**13,068**	**143**	**93**	**579**	**431**
Vacant Parcel	General Office – 36,000 sf (710)	396	49	7	9	45
	Total with Office	**13,464**	**192**	**100**	**588**	**476**

* Based on rate provided by City of Albuquerque, 24 Hour volume from ITE Trip Generation Manual

Note: The proposed 14 screen movie theatre will replace the 12 screens of movie theatre the currently exists in the Uptown area.

ENDORSED
FILED IN MY OFFICE THIS
MAR-02 1999
CLERK DISTRICT COURT

SECOND JUDICIAL DISTRICT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey corporation,

Appellant,

vs.

No. CV-'99 002039

CITY OF ALBUQUERQUE, a New Mexico municipal corporation,

Appellee,

and

UPTOWN SQUARE, LTD.,

Interested Party.

NOTICE OF APPEAL

Pursuant to NMSA 1978, § 3-21-9 (1998), NMSA 1978, § 39-3-1.1 (1998) and Rule 1-074, NMRA 1999, The Prudential Insurance Company of America, through its counsel, Rodey, Dickason, Sloan, Akin & Robb, P.A. (John P. Salazar), hereby gives notice of its appeal of the decision rendered on February 1, 1999, by the City Council of the City of Albuquerque in File SD 95-4-2/Z-98-123 (Bill R-154), proposed by Uptown Square, Ltd. A copy of the Notification of Decision is attached.

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By _____

John P. Salazar
P.O. Box 1888
Albuquerque, NM 87103-1888
Telephone: (505) 765-5900
Attorney for Appellant

Uptown Sector Plan

(3) Required Vegetative Ground Cover. All required landscape areas 36 square feet in size or larger shall be covered with living, vegetative materials, such as grasses, vines, spreading shrubs, or flowers, over at least 75% of the required landscape area. Coverage will be calculated from the mature spread of the plants. To minimize water consumption, the use of vegetative ground cover other than turf grass is encouraged. Any non-living ground cover areas not intended as mulch around spreading plants must be clearly delineated on the landscaping plan.

(4) Tree Requirements for Multi-Family Residential Developments. In addition to the above requirements, multi-family residential sites must provide trees in areas around residential structures as follows:

(a) Trees shall be provided at not less than the rate of one tree per ground floor dwelling unit and one tree per two second-story dwelling units. No additional trees are required for units above the second story;

(b) At least 50% of the required trees shall be deciduous canopy-type shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet.
('74 Code, § 7-14-40J)

§ 14-16-3-11 SITE DEVELOPMENT PLAN APPROVAL REQUIREMENTS; POSSIBLE PLAN TERMINATION.

(A) Site Development Plan approval for either subdivision or building purposes may include:

(1) Imposition of relevant requirements contained within or authorized by the city's Subdivision Ordinance, including but not limited to dedication of rights of way and assurances for required infrastructure improvements both on site and off site.

(2) Submission of an air quality impact assessment pursuant to § 14-16-3-14 of this Zoning Code.

(3) Imposition of other requirements of other city ordinances.

(B) Site Development Plans, especially plans for unbuilt areas, are often changed so that developers can better respond to changing market conditions. Amendment of Site Development Plans does not require meeting the criteria which must be met to justify changing zones or changing written specifications imposed by Sector Development Plans or by terms of approval of a zone such as SU-1. Site Development Plans are expected to meet the requirements of adopted city policies and procedures.

(C) ***Possible Termination of Site Development Plans for Sites Which Have Not Been Fully Developed.***

(1) If less than one-half of the approved square footage of a Site Development Plan has been built or less than one-half of the site has been developed, the plan for the undeveloped areas shall terminate automatically when specified below unless extended as provided below:

(a) Seven years after adoption or major amendment of the plan: within six months prior to the seven-year deadline, the owners of the property shall request in writing through the Planning Director that the Planning Commission extend the plan's life an additional five years. At an advertised public hearing the Planning Commission shall grant approval if it deems that the Site Development Plan remains appropriate and the owner intends to fully develop the site according to the plan concept. The Planning Commission shall be less likely to terminate a site plan if there is little flexibility in how the site can be developed or if there is a strong architectural or landscaping character on the site which should be preserved.

(b) Subsequently, upon similar requests, the Planning Commission may grant requests for additional five-year extensions of the plan, using the same criteria and process.

(c) If a Site Development Plan is approved for any additional five-year period by the Planning Commission, an updated Transportation Impact Study (TIS) shall be required to determine if there are off-site improvements needed that were not previously required.

(2) For the purposes of this division (C):

(a) Hereafter, the Planning Director shall provide a copy of these Provisions for Plan Termination to the applicant at the time such an initial plan or a major plan amendment is approved;

(b) For Site Development Plans approved prior to the effective date of this division, the Planning Director shall as soon as possible provide a copy of these Provisions for Plan Termination to the current owner(s) of a site covered by a Site Development Plan. For previously approved Site Development Plans, the time periods specified in this division (C) shall be deemed to run from the date this division becomes effective.

(c) A major amendment of a Site Development Plan is an amendment adopted by the Planning Commission which is not a minor amendment as contemplated by § 14-16-2-22(A)(6) of this Zoning Code.

(d) If an approved Site Development Plan indicates phases of development, that is most often an adequate basis for city extension of the life of the Site Development Plan for the later phases. When the first phase has been built, extension of the plan for later phases may be granted by the Planning Director on behalf of the Planning Commission upon a finding that the plan as previously approved is likely to be built in the future. Appeal of a decision of the Planning Director is to the Planning Commission as provided in § 14-16-4-4 of this Zoning Code.

(e) If an approved Site Development Plan has been partially completed, the termination of the plan shall not adversely affect or impose additional requirements upon the developed parcels.

(f) Termination of all or part of a Site Development Plan under the terms of this division does not preclude approval of a similar plan at a later date.

(g) If a Site Development Plan is terminated, the city shall release the owner from any pending subdivision improvements agreements and financial guarantees for public infrastructure required to be constructed as a condition of approval of the Site Development Plan.

(3) specify how additional information can be obtained.

e. The applicant shall post and maintain one or more signs, as provided and where instructed by the Planning Director, at least 15 days before the date of the hearing. The applicant is responsible for removing such sign within five days after the hearing is completed. Failure to properly post signs is grounds for deferral.

f. When any site development plan is approved, approved with conditions, or denied, as provided in this subsection, written notification of the action listing any conditions imposed shall be sent promptly to the applicant and to any other person who has so requested, as specified in c(5) of this paragraph.

7. Site development plans typically raise significant policy issues that can be best resolved through a decision by the Environmental Planning Commission; the Planning Director will normally refer site development plans to the Commission.

8. A certified copy of the site development plan shall be kept in the Planning Director's records so that it may be reviewed against an application for a building permit for any part or all of new development on a site in this zone.

9. The Planning Director may approve minor changes to an approved site development plan or landscaping plan without a public hearing if it is consistent with the use and other written requirements approved by the City at a prior public hearing, if the buildings are of the same general size and use, the vehicular circulation is similar in its effect on adjacent property and streets, and he/she finds that neither the City nor any person will be substantially aggrieved by the altered plan.

10. No subdivision or building permit shall be approved for a property until the conditions of the site development plan for that property have been met.

11. The portions of site development plans showing structures that have not obtained building permits within two years of site plan approval shall be void, but may be reapproved following standard procedure. For site development plans approved prior to this Plan, the two-year period starts with the adoption of this Plan. The Planning Director may give one six-month extension to each two-year approval; this extension may be given without public notice or hearing but the Planning Director shall record it in the Planning Department's files; extension may be given when the Planning Director finds that a building permit for all of a major part of approved development will probably be obtained within the six months and that there is no public purpose in holding a hearing on the site development plan prior to such extension.

12. Appeal procedures shall be those established for site development plans in Section 14-6-4-4 of the City Zoning Code.

Misc Letters - 2nd
EPC Appeal

JOHN A. MYERS
SCOTT OLIVER*
CHARLES P. PRICE III
KEVIN J. McCREADY
HOPE MEAD WYNN

*ALSO LICENSED IN TEXAS

MYERS, OLIVER & PRICE, P.C.
LAWYERS
1401 CENTRAL AVENUE, N.W.
ALBUQUERQUE, NEW MEXICO 87104

TELEPHONE
(505)247-9080

FACSIMILE
(505)247-9109

e-mail: jmyers@moplaw.com

January 31, 2003

HAND DELIVERED
Alan Schwartz, Chairman
Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd Street NW, 2nd Floor
Albuquerque, New Mexico 87102

COPY

RECEIVED
JAN 31 2003
HYDROLOGY SECTION

RECEIVED
JAN 31 2003
PWD/DESIGN REVIEW

Re: Response to Appeal of DRB's Action of January 7, 2003; Project No. 1002337; 02DRB-01710 Site Development Plan for Subdivision; 02DRB-01708 Site Development Plan for Building Permit

Dear Chairman and Commissioners:

This office represents Hunt Uptown II, L.L.C. ("Hunt). This letter responds to the appeal filed by PruWinrock, L.L.C. ("PruWinrock"), through its agent, Rodey, Dickason, Sloan, Akin & Robb, P.A., of the final January 7, 2003 sign-off by the City's Development Review Board ("DRB") on the Site Development Plan for Subdivision and the Site Development Plan for Building Permit (together, the "Site Plans") for the Monroe Junior High Site (the "Monroe Site").

Factual Background

This office's January 9, 2003 letter to the EPC contained a detailed discussion of the factual background of this case. Therefore, only a brief review of the history of the case and synopsis of the subsequent facts are included in this letter.

Upon application by a former contract purchaser of the Monroe Site, the EPC, on October 15, 1998, voted to recommend that the City Council approve certain amendments to the Uptown Sector Development Plan (the "Sector Plan Amendments") and approved, with conditions, the Site Plans for the Monroe Site. In February 1999, the City Council adopted the Sector Plan Amendments and denied an appeal of the EPC's approvals of the Site Plans.

The Sector Plan Amendments were appealed to District Court by the predecessor to PruWinrock. The approvals of the Site Plans were appealed to District Court by a group of neighborhood associations. The appeal of the Sector Plan Amendments was resolved on

March 14, 2001, when the Court of Appeals issued its Mandate and transmitted to the District Court its order denying Winrock's petition for further appeal. The appeals of the Site Plans, were resolved on January 8, 2001, when they were voluntarily dismissed by the appellants.

Hunt, the owner of the Monroe Site, made application in November 2002 for the DRB to sign off on the Site Plans that had been approved by the EPC in 1998. The DRB's responsibility in this regard was limited to determining whether the conditions imposed by the EPC as part of its 1998 approval of the Site Plans were satisfied.

After a one-week deferral, the DRB considered the Site Plans for final sign-off at its November 20, 2002 meeting. Two members of the DRB, the Parks representative and the Utilities representative, had no outstanding issues and indicated their approval of the Site Plans. The City Engineer, the Transportation Development Department and the Planning Department each had one or more outstanding issues and could not sign off on the Site Plans at that meeting. The City Engineer could not sign off until Hunt entered into a subdivision improvement agreement. Planning could not sign off until it verified compliance with EPC Conditions 15 and 21. Traffic could not sign off until it verified that the Site Plans conformed to other plans and projects in the area. Although the DRB stated that the Site Plans were approved, at the same time it specifically delegated final sign-off on the Site Plans to the City Engineer, Transportation and Planning. This delegation of authority allowed for the completion of the DRB final sign-off without the necessity of another DRB hearing, so long as the above concerns were satisfied.

On December 3, 2002, PruWinrock filed an appeal of the DRB's "decision" of November 20, 2002, notwithstanding that the DRB's work clearly was not complete. PruWinrock claimed that the DRB did not have jurisdiction over final sign-off of the revised Site Plans, that the DRB erred in allowing final sign-off before all conditions of EPC approval had been satisfied and that notice of the DRB action was insufficient.

Between November 20, 2002 and January 7, 2003, the remaining conditions imposed by the EPC were satisfied, allowing for sign-off by the remaining three members of the DRB. The final DRB sign-off on the Site Plans occurred on January 7, 2003, as evidenced by the DRB's letter of that date.

The EPC heard PruWinrock's December 3 appeal on January 16, 2003. By the time the EPC heard PruWinrock's appeal, all outstanding conditions imposed by the EPC had been satisfied and the DRB had signed off on the Site Plans. The EPC denied PruWinrock's December 3 appeal.

PruWinrock has now appealed the DRB's final sign-off of the Site Plans on January 7, 2003, claiming that the DRB did not have jurisdiction to sign off on the project while PruWinrock's appeal of December 3 was pending.

Argument

The issues on this appeal are more narrow than the issues on PruWinrock's December 3 appeal. The approval of the Site Plans by the EPC has already been the subject of administrative and court appeals. The DRB sign-off of the Site Plans is only for the purpose of certifying that the Site Plans incorporate all conditions imposed by the EPC. PruWinrock has already had the opportunity to raise issues relating to the DRB's review and approval of the Site Plans at the EPC's January 16 hearing. The only issue raised by PruWinrock in this latest appeal is whether the DRB had jurisdiction to perform final sign-off while PruWinrock's December 3 appeal was pending.

Legal authority, as well as fundamental concepts of fairness, dictate that Winrock cannot paralyze the administrative process by filing an appeal in the middle of the DRB process and prevent the DRB from completing its process. It is easy to understand that accepting Winrock's argument would prevent any approvals from being finalized. This appears to be PruWinrock's goal.

I. PRUWINROCK'S DECEMBER 3, 2002 APPEAL TO THE EPC WAS PREMATURE

An administrative or zoning board decision must be final before it can be appealed. 12 Powell on Real Property § 79C.15[5] (2000) at p. 79C-365 ("Powell"). A determination by a zoning board is final when it does not appear to contemplate further discretionary action. Powell; Rohan 7 Zoning and Land Use Controls § 51.06[4] (1992) at p. 51.84 ("Rohan"). As stated in Rohan:

> What makes a decision appealable is that it purports to be the decision of the board with respect to an application for relief . . . This is especially so where the board refers to its action as a decision, votes on it, and files it with the local clerk as a final decision. In such a case it is clearly meant to have legal effect as a decision.

In the current case, there was no sign-off by the DRB at its November 20 hearing, and this was the only task before it. The discussion at the hearing clearly reflected that no final decision was being made at the hearing. The DRB did not issue a written decision of final sign-off based on the November 20 hearing. Rather, written notification of final sign-off was made by letter of January 7, after the three DRB members to whom final sign-off was delegated actually signed off on the Site Plans. The approval of the Site Plans could not have occurred at the November 20 DRB hearing when only two of the five members of the DRB could support the approval at that time.

The limited nature of the DRB's authority must be considered in determining whether the DRB made an appealable final decision at its November 20 hearing. The DRB was only to determine whether the EPC's conditions attached to its approval of the Site Plans had been satisfied. It would not make sense to consider the DRB's delegation of the open issues necessary for sign-off as any form of final action when sign-off was the only matter before the DRB. The DRB had not yet performed its task of approving the Site Plans. The DRB's partial delegation of its authority for final sign-off was not meant to have effect as the final sign-off itself.

Our courts have stated that, in general, the right to appellate review of a zoning decision by a court is restricted to final judgments and decisions. West Gun Club Neighborhood Ass'n v. Extraterritorial Land Use Auth., 2001-NMCA-013, ¶ 4, 130 N.M. 195, 196. The same rule should hold true in relation to the appeal of decisions of city zoning authorities to a city appellate zoning authority.

See, Sailmaker at City Island Associates v. Bennett, 594 N.Y.S.2d (A.D. 1 Dept. 1993) (Because application for zoning variance continued to be under review pending submission of draft environmental impact statement, no rights had yet been adjudicated, and thus right to public hearing mandated by statute and city's own administrative rules had not yet been triggered). See also, Sansone Oldsmobile-Cadillac, Inc. v. Board of Adjustment of Borough of Shrewsbury, 511 A.2d 748 (N.J.Super.L.1986) (Zoning board deliberations, at which members indicated by their discussions an intention to deny variance, did not constitute vote to deny application for variance absent taking of formal vote). In the present case, no rights were granted to Hunt at the November 20 DRB meeting, and no sufficient vote approving the Site Plans was taken.

The actions before City boards are administrative proceedings. The law in New Mexico, as well as the general law across the country, is that an administrative decision is not subject to review until the decision is final, that is the "administrative order must have nothing further for the agency to do." 2 Am. Jur. 2nd Administrative Law §381, p. 382. The same principle applies to court review of administrative actions. The court in Mills v. New Mexico State Board of Psychologist Examiners, 1997-NMSC-028, ¶ 11,123 N.M. 421, 425 held that courts may not review actions of administrative actions until those actions are final. The determination of whether administrative body's consideration of issues has reached "finality," for purposes of judicial review, must be based on the pragmatic consideration of the matters at issue and an analysis of whether the administrative body has in fact finally resolved the issues. Mills; Public Service Co. of New Mexico v. New Mexico Public Service Com'n, 111 N.M. 622, 808 P.2d 592 (S.Ct. 1991). From a pragmatic perspective, the November 20 action by the DRB was not a final resolution of its task.

In a parallel situation, many courts have considered when an agency action is ripe for review under the Administrative Procedure Act or other administrative statutory framework. In Howell v. U.S. Army Corps of Engineers, 794 F.Supp. 1072 (D.N.M. 1992),

the federal District Court for the District of New Mexico held that the factors to be considered when deciding whether an agency action is "ripe for review" include whether the action is a final agency action within the meaning of the Administrative Procedure Act; whether the action has or will have direct or immediate impact upon the plaintiffs; and whether the resolution of the issues will promote effective enforcement and administration by the agency. In this case, the interim action taken by the DRB at its November 20 meeting had no immediate impact upon anyone. Nor would permitting an interim appeal promote effective administration. On the contrary, it would cause delay, waste and confusion, much as we see now due to PruWinrock's premature appeal.

Since the December 3 appeal was premature, or was not "ripe" for consideration, it had no legal effect until the DRB completed its work and rendered its final decision on January 7, 2003. Therefore, following the December 3, 2002 appeal the EPC was without jurisdiction until the DRB's work was done, and the DRB retained jurisdiction until its work was done.

II. PRU WINROCK'S DECEMBER 3, 2002 APPEAL TO THE EPC DID NOT REMOVE JURISDICTION FROM THE DRB FOR FINAL SIGN-OFF OF THE SITE PLAN AND DID NOT STAY DRB SIGN-OFF

An appellate zoning authority has no jurisdiction to consider an appeal unless the matter appealed has been determined. In Barron v. Getnick, 486 N.Y.S.2d 528 (A.D. 4 Dept. 1985), the court held that a town zoning board of appeals had no jurisdiction to consider a matter without a prior determination by the building inspector who was charged with making the determination. Similarly, in Brenner v. Sniado, 549 N.Y.S.2d 69 (A.D. 2 Dept. 1989), the court held that a letter from a building inspector did not constitute the statutorily prescribed prior "decision or determination" necessary to invoke the jurisdiction of the zoning board of appeals. Accordingly, the court upheld the determination of the zoning board of appeals that it was without jurisdiction to entertain the petitioner's application.

Section 3-21-8, N.M.S.A. 1978 addresses appeals from zoning officers or committees to a zoning authority. Section 3-21-8(B) provides in part that an "appeal shall stay all proceedings in furtherance of the action appealed" unless a certification is made by the body from whom the appeal is taken. The proceedings in furtherance of the action contemplated by the statute are additional, separate proceedings, proceedings "in furtherance of the action appealed." This would include, for instance, the issuance of a building permit on a site plan that had been approved but was subject to an appeal. This language does not include, and should not be construed to include, the action of the approval itself, the making of the decision on the matter before it.

As discussed above, there is a great body of law that prohibits appeals of interim or non-final action by a zoning or administrative authority. The language of the statute should

not be construed to mean that an appeal of a non-final decision of a zoning board, improperly filed, stays any further action of that zoning body in reaching its final decision.

Section 14-16-4-4 of the City Zoning Code addresses zoning appeals and jurisdiction. Section 14-16-4-4(A)(3) provides:

> Once an appeal is filed, all prior decisions rendered by the Zoning Enforcement Officer, the Zoning Hearing Examiner, the Planning Director, the Planning Commission and Landmarks and Urban Conservation Commission upon which the appeal is based may not be unilaterally withdrawn, changed or modified by any of the above as they have lost jurisdiction to act on the matter.

The DRB's actions occurring after Winrock's appeal were not an attempt to "withdraw, change or modify" a prior decision. Rather, the DRB's actions were to complete the rendering of its decision.

Moreover, this language does not apply to the DRB's interim action of November 20. An appeal of that interim action was filed, but, as shown above, the appeal was premature and not effective to give the EPC jurisdiction over the matter until the DRB's final sign-off in fact occurred. In this case, once the DRB took a final action by its sign-off on January 7, it did not change that action.

III. ONCE THE DRB FINAL SIGN-OFF OCCURRED ON JANUARY 7, THE EPC COULD HEAR PRUWINROCK'S APPEAL

The EPC was without jurisdiction to hear an appeal of the DRB's final sign-off until that final sign-off had occurred. Since the EPC hearing on the appeal occurred after the DRB's final sign-off, Hunt does not take the position that the hearing was a nullity. To do so would not be in the interests of economy and would waste the City's resources. On the other hand, the DRB did not lose jurisdiction until its task of final sign-off was complete. At that time, the DRB's action constituted a final action and could be reviewed. Hunt could have objected to any hearing of PruWinrock's December 3 appeal, based on the lack of finality of the DRB's decision on December 3. However, if such a position were adopted by the EPC, presumably PruWinrock would have had another opportunity to appeal the final sign-off of January 7, and the only result would have been additional delay. Hunt was not interested in such a result.

IV. PRUWINROCK SHOULD NOT GAIN AN ADVANTAGE BY IMPROPERLY APPEALING TOO EARLY

As Hunt argued in the last appeal to the EPC, and as shown above, there was no final decision made at the DRB's November 20 meeting that could be appealed. Nonetheless, PruWinrock prematurely appealed. Now PruWinrock is attempting to take advantage of its own error. PruWinrock's only argument in the current appeal is that the DRB did not have jurisdiction for final sign-off on December 7 because of PruWinrock's own premature appeal. Such an argument, if upheld, would be fundamentally unfair to Hunt and to the process.

Conclusion

Hunt respectfully requests that the EPC reject Winrock's appeal and uphold the final sign-off by the DRB.

Sincerely,

Myers, Oliver & Price, P.C.

By: _____
John A. Myers

KJM/JAM/eh
Enclosure
cc: Vic Chavez, Director
Bob Paulsen, Principal Planner
Roger Green, DRB Chair
Sharon Matson
David Suffling, Esq.
Kevin Curran, Esq.
John Salazar, Esq.
Michelle Henrie, Esq.
Mr. Gary Sapp
Mr. Herb Denish

H:\HUNTJAM\LETTERS\Ltr to Envir. Plan Comm 3.doc

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
WILLIAM S. DIXON
JOHN P. BURTON
REX D. THROCKMORTON
JONATHAN W. HEWES
RICHARD C. MINZNER
W. ROBERT LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG

CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
R. TRACY SPROULS
KARLA K. POE
ALAN HALL
BRIAN H. LEMATTA
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
DIANA V. SANDOVAL
BRENDA MALONEY
MATTHEW S. WERMAGER
LARRY J. MONTAÑO
JESSICA HERNANDEZ

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
COUNSELORS AND ATTORNEYS AT LAW
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WEB-SITE: WWW.RODEY.COM
E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
DONALD B. MONNHEIMER
JULIE P. NEERKEN
ROBERT G. McCORKLE
PABLO PRANDO

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER

February 5, 2003

Hand Delivered

Jeffrey Jesionowski, Chairman
Environmental Planning Commission
City of Albuquerque
600 Second Street NW, Suite 300
Albuquerque, New Mexico 87102

Re: Appeal of DRB action of January 7, 2003, performing final sign-off on Project No. 1002337, Case Nos. 02DRB-01708 and 02DRB-01710 while an administrative appeal of this project is pending.

Dear Chairman Jesionowski,

Our office represents PruWinrock LLC ("PruWinrock"), the owner of Winrock Shopping Center ("Winrock"). This letter is in response to the letter you received from John Myers dated January 9, 2003 regarding the above-referenced appeal. The point of the above-referenced appeal is that the Development Review Board ("DRB") should not have taken action while an appeal of the approval of that action is pending.

Background. The background of this appeal is familiar to the Commissioners. In short, PruWinrock believes that the DRB never had jurisdiction to approve final sign-off on the above-referenced site plans because (1) those site plans, having been made final by the City Council more than two years earlier, were void pursuant to a provision in the Uptown Sector Development Plan; (2) not all of the EPC's conditions of approval for the site plans had been met; and (3) the DRB's action was never properly noticed. Nevertheless, on November 20, 2002, the DRB approved final sign-off of these site plans. This approval is expressly stated on the final page of the DRB Minutes of the November 20, 2002 meeting[1] and in the DRB Action Sheet for

---

[1] The Minutes state: "ACTING CHAIR GREEN: . . . No objections from the Board members. Claire, we'll approve the Site Plans application numbers 02DRB-01708 and 02DRB-0710 and delegate final sign off to City Engineer, Transportation and Planning and the signing of the Infrastructure List dated today."

the November 20, 2002 meeting.[2] Despite the fact that PruWinrock appealed the DRB's approval, the DRB did not stay the approved action. Instead, DRB wrongly took the approved action and completed final sign-off on January 7, 2003.

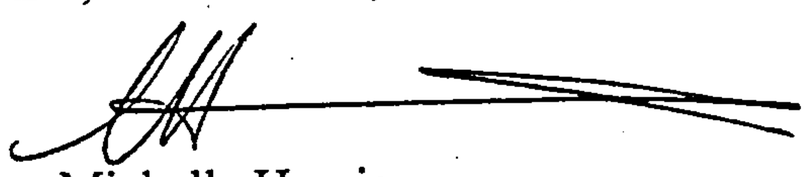
The Scope of this Appeal. In Mr. Myers' letter on behalf of Hunt Uptown II, LLC, ("Hunt"), he correctly asserts that the question presented by PruWinrock's appeal is limited to whether the DRB had jurisdiction to perform final site plan sign-off on January 7, 2003, while an appeal of DRB's approval was pending. PruWinrock's appeal is so limited because, as Hunt also correctly asserts, the Environmental Planning Commission ("EPC") has already heard and denied PruWinrock's appeal of the DRB's approval. As you recall, that hearing took place on January 16, 2003. PruWinrock, not unlike Hunt, has no interest in wasting the City's resources, so there is no sense in rehashing in this appeal the issues already decided by the EPC.

Hunt's Concerns. Given the foregoing, it appears that Hunt's true concern is that related matters and interconnected decisions are proceeding along separate appellate tracks. To allay that concern, PruWinrock is willing to request consolidation of any appeal that may be taken from the EPC's January 16, 2003 decision and any appeal that may be taken from the EPC's decision in the above-referenced appeal. However, the issue of consolidation is a matter to be decided on another day and by a different decision maker.

The Question Before the EPC. The only issue before the EPC at this point in time is whether the DRB retained jurisdiction to perform final sign-off on January 7, 2003 while an appeal was pending. As stated in PruWinrock's Reasons for the Appeal, filed on January 22, 2003, such an action is contrary to the City's Zone Code (see § 14-16-4-4(A)(3)) as well as New Mexico Statutes (see § 3-21-8(B) NMSA 1978: "An appeal shall stay all proceedings in furtherance of the action appealed . . ."). Therefore, PruWinrock respectfully asks the EPC to determine that the DRB was without jurisdiction to perform final sign-off and to set aside the DRB's January 7, 2003 action as null and void.

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: 
Michelle Henrie

mh

---

[2] The Action Sheet states for Item No. 9: "SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING..."

cc (via hand delivery):

Members of the Environmental Planning Commission:
Alan Schwartz, Vice Chair
Elizabeth Begay
John Briscoe
Larry Chavez
Susan Johnson
Mick McMahan
Bevin Owens
Camilla Serrano
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
Sheran Matson, City of Albuquerque Planning Department
Bob Paulsen, City of Albuquerque Planning Department
John P. Salazar, Esq.
John A. Myers, Esq.

cc (via mail):

Charles E. Miller, Prudential Real Estate Investors
Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
Shelton Weeks, Manager, Prizm Partners
Members of Uptown Neighborhood Associations:
Bill Sterchi
Lynn Tabor
Stephen Verchinski
Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil
Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Dorothy Finaldi
Rick Paul
Tom Joule
Richard Peterson
John Kinney
Nicholas Wees
Virginia Emmett
Ike Eastvold
Randy Sanchez, General Manager, Coronado Center

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
WILLIAM S. DIXON
JOHN P. BURTON
REX D. THROCKMORTON
JONATHAN W. HEWES
RICHARD C. MINZNER
W. ROBERT LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG

CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
R. TRACY SPROULS
KARLA K. POE
ALAN HALL
BRIAN H. LEMATTA
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
DIANA V. SANDOVAL
BRENDA MALONEY
MATTHEW S. WERMAGER
LARRY J. MONTAÑO
JESSICA HERNANDEZ

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
COUNSELORS AND ATTORNEYS AT LAW
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WEB-SITE: WWW.RODEY.COM
E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
DONALD B. MONNHEIMER
JULIE P. NEERKEN
ROBERT G. McCORKLE
PABLO PRANDO

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER

February 6, 2003

Hand Delivered

Jeffrey Jesionowski, Chairman
Environmental Planning Commission
City of Albuquerque
600 Second Street NW, Suite 300
Albuquerque, New Mexico 87102

Re: Appeal of Development Review Board ("DRB") action of January 7, 2003, performing final sign-off on Project No. 1002337, Case Nos. 02DRB-01708 and 02DRB-01710 while an administrative appeal of this project is pending.

Dear Chairman Jesionowski,

Our office represents PruWinrock LLC ("PruWinrock"), the owner of Winrock Shopping Center. We would like to supplement the letter we sent you yesterday in the above-referenced matter in order to respond to the letter you received from John Myers earlier today. As we indicated in our earlier letter, the only issue before the EPC at this point in time is whether the DRB retained jurisdiction to perform final sign-off on the Uptown Spectrum II site plans while an administrative appeal of the DRB's approval of final sign-off was pending.

1. The Zoning Statutes Govern this Issue. Mr. Myers refers the EPC to a case that does not involve a zoning issue. Zoning is governed by state statutes and by local ordinances enabled by those statutes (see Sections 3-21-1 through -26, NMSA 1978). One of those statutes, § 3-21-8(B) NMSA 1978, expressly states that an administrative appeal to a zoning authority stays all proceedings in furtherance of the action appealed. We enclose a copy. By contrast, the case cited by Mr. Myers interprets the New Mexico Hazardous Waste Act, Sections 74-4-1 through -14, NMSA 1978, not the zoning statutes. Mr. Myers is comparing apples to oranges.

2. The Development Process Manual Speaks to This Issue. We also enclose page 3-9 of the City's Development Process Manual ("DPM"). The process relating to review and approval of site development plans is covered in Chapter 3 of the DPM. Page 3-9 is a chart clarifying the various steps in the process. This chart shows that according to the City's interpretation of its normal procedures, one appeals the *decision* made by the DRB at its meeting, not the action of final sign-off. It also shows by implication that final sign-off is not appropriate unless no appeal of the DRB's decision was filed.

The DRB should not have performed final sign-off on the Uptown Spectrum II site plans while PruWinrock's administrative appeal was pending. It was in error to do so, and the EPC should reverse this action.

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: Michelle Henrie

mh

cc (via hand delivery):

Members of the Environmental Planning Commission:
Alan Schwartz, Vice Chair
Elizabeth Begay
John Briscoe
Larry Chavez
Susan Johnson
Mick McMahan
Bevin Owens
Camilla Serrano
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
Sheran Matson, City of Albuquerque Planning Department
Bob Paulsen, City of Albuquerque Planning Department
John P. Salazar, Esq.
John A. Myers, Esq.

cc (via mail):

Charles E. Miller, Prudential Real Estate Investors
Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
Shelton Weeks, Manager, Prizm Partners
Members of Uptown Neighborhood Associations:
- Bill Sterchi
- Lynn Tabor
- Stephen Verchinski
- Mary Lou Sorenson
- Bob Bruno
- Richard P. Huber
- Julie Jones
- Jeff Paul
- Valorie Vigil
- Mark Trujillo
- Timothy Sanchez-Brown
- Orlando Esparza
- Dorothy Finaldi
- Rick Paul
- Tom Joule
- Richard Peterson
- John Kinney
- Nicholas Wees
- Virginia Emmett
- Ike Eastvold

Randy Sanchez, General Manager, Coronado Center

3-21-8. Appeals to zoning authority; grounds; stay of proceedings.

A. The zoning authority shall provide by resolution the procedure to be followed in considering appeals allowed by this section.

B. Any aggrieved person or any officer, department, board or bureau of the zoning authority affected by a decision of an administrative officer, commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or ordinance, resolution, rule or regulation adopted pursuant to these sections may appeal to the zoning authority. An appeal shall stay all proceedings in furtherance of the action appealed unless the officer, commission or committee from whom the appeal is taken certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property. Upon certification, the proceedings shall not be stayed except by order of district court after notice to the official, commission or committee from whom the appeal is taken and on due cause shown.

C. When an appeal alleges that there is error in any order, requirement, decision or determination by an administrative official, commission or committee in the enforcement of Sections 3-21-1 through 3-21-14 NMSA 1978 or any ordinance, resolution, rule or regulation adopted pursuant to these sections, the zoning authority by a majority vote of all its members may:

(1) authorize, in appropriate cases and subject to appropriate conditions and safeguards variances from the terms of the zoning ordinance or resolution:

(a) which are not contrary to the public interest;

(b) where, owing to special conditions, a literal enforcement of the zoning ordinance will result in unnecessary hardship; and

(c) so that the spirit of the zoning ordinance is observed and substantial justice done; or

(2) in conformity with Sections 3-21-1 through 3-21-14 NMSA 1978:

(a) reverse any order, requirement, decision or determination of an administrative official, commission or committee;

(b) decide in favor of the appellant; or

(c) make any change in any order, requirement, decision or determination of an administrative official, commission or committee.

History: 1953 Comp., § 14-20-6, enacted by Laws 1965, ch. 300; 1979, ch. 256, § 1; 1983, ch. 160, § 1.

Cross references. — For procedures governing administrative appeals to the district court, see Rule 1-074 NMRA.

Compiler's notes. — For scope of review of the district court, see *Zamora v. Village of Ruidoso Downs,* 120 N.M. 778, 907 P.2d 182 (1995).

"Aggrieved person" defined. — To be aggrieved, a party must have a personal or pecuniary interest or property right adversely affected by the judgment. The party's interest must be an immediate, pecuniary and substantial consequence of the judgment, not merely nominal or remote. Webb v. Fox, 105 N.M. 723, 737 P.2d 82 (Ct. App. 1987).

A zoning applicant who possesses a recognizable right or interest in the property is an aggrieved person with standing to appeal. Webb v. Fox, 105 N.M. 723, 737 P.2d 82 (Ct. App. 1987).

Zoning commission's denial of rezoning petition constituted a "decision" for purposes of appeal to the city commission. Corondoni v. City of Albuquerque, 72 N.M. 422, 384 P.2d 691 (1963).

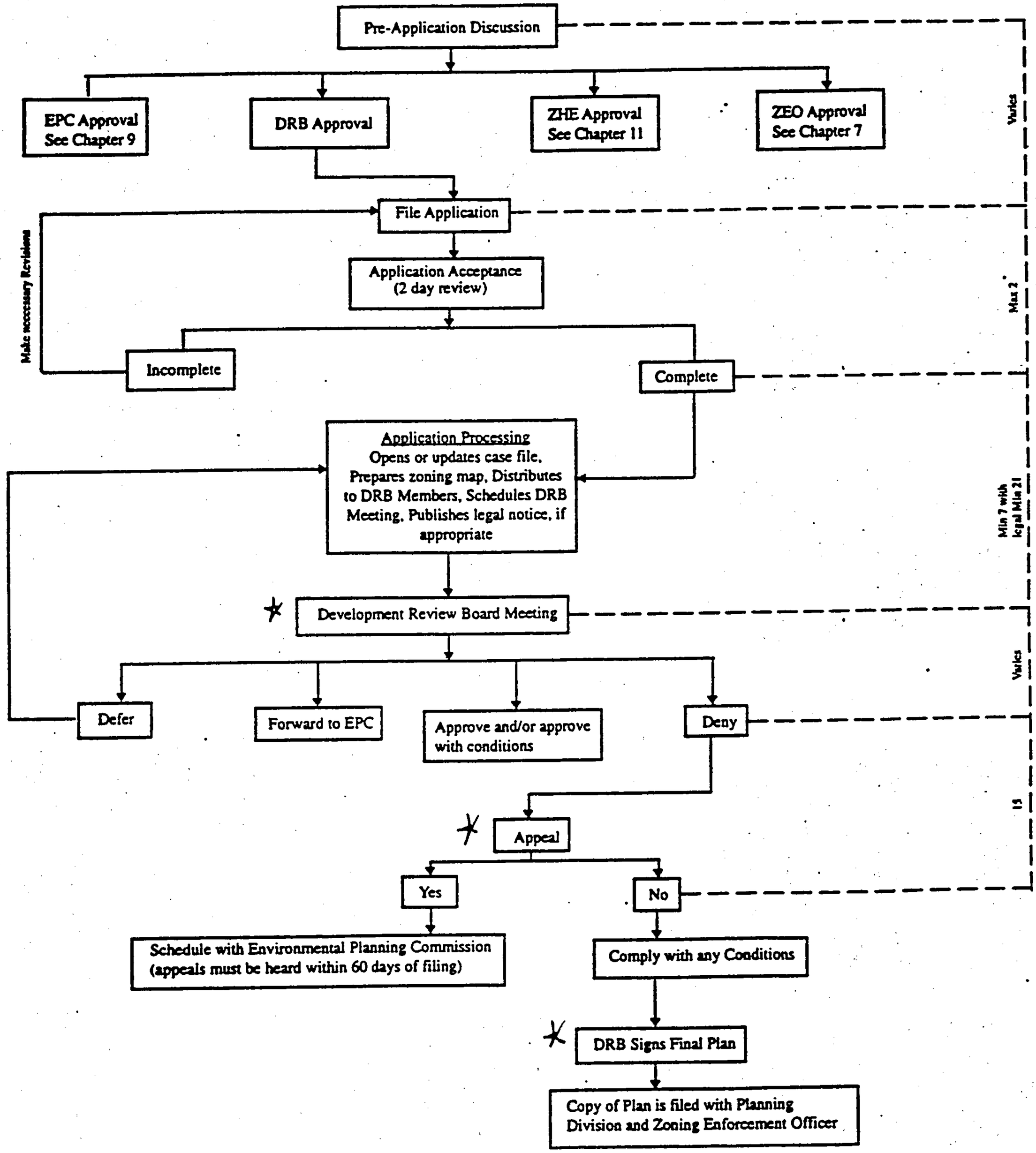
Availability of injunctive relief. — Injunctive relief is not available to appeal a zoning decision when there is an adequate remedy at law, such as the method provided for appealing a zoning decision under Subsection B of this section and 3-21-9A NMSA 1978. State ex rel. Baxter v. Egolf, 107 N.M. 315, 757 P.2d 371 (Ct. App. 1988).

Special exceptions are part of comprehensive plan. — A county ordinance which among other things establishes certain limited special exceptions is an integral part of the plan required under 3-21-5 NMSA 1978, and the main objectives of requiring that a special permit be obtained before a use of land is commenced are to protect adjoining property and to insure the orderly and efficient development of the community. Burroughs v. Board of County Comm'rs, 88 N.M. 303, 540 P.2d 233 (1975).

"Special exception," "special permit" and "use permitted subject to administrative approval" are qualitatively the same, each involving the use which is permitted rather than proscribed by the zoning regulations. Burroughs v. Board of County Comm'rs, 88 N.M. 303, 540 P.2d 233 (1975).

Exceptions and variances distinguished. — Exceptions may be treated as a legislative process or the exercise of a legislative function, the conditions for which must be found in the zoning ordinance and may not be varied, while variances may be treated as an exercise of the judicial function, whereby literal enforcement of ordinances may be disregarded. A variance is authority extended to the owner to use his property in a manner forbidden by the zoning enactment, while an exception allows him to put his property to a use which the enactment expressly

DEVELOPMENT / LANDSCAPING PLANS



MYERS, OLIVER & PRICE, P.C.
LAWYERS
1401 CENTRAL AVENUE, N.W.
ALBUQUERQUE, NEW MEXICO 87104

JOHN A. MYERS
SCOTT OLIVER*
CHARLES P. PRICE III
KEVIN J. McCREADY
HOPE MEAD WYNN

*ALSO LICENSED IN TEXAS

TELEPHONE
(505)247-9080

FACSIMILE
(505)247-9109

e-mail: jmyers@moplaw.com

February 6, 2003

HAND DELIVERED
Jeffrey Jesionowski, Chairman
Environmental Planning Commission
City of Albuquerque
600 2nd Street NW, Suite 300
Albuquerque, New Mexico 87102

Re: Supplemental Response to Appeal of DRB's Action of January 7, 2003; Project No. 1002337; 02DRB-01710 Site Development Plan for Subdivision; 02DRB-01708 Site Development Plan for Building Permit

Dear Chairman and Commissioners:

This office represents Hunt Uptown II, L.L.C. By letter dated January 31, 2003, we responded to PruWinrock, L.L.C.'s appeal of the DRB's final January 7, 2003 sign-off on the Site Development Plans for the Monroe Junior High Site. We are supplementing our response due to a court case that has just been published, Southwest Research and Information Center v. New Mexico Environment Department, 2003-NMCA-012, 42 N.M. St. B. Bull. 5. The case involves the same issue as the appeal before the EPC.

In Southwest Research, an Environment Department manager, by letter dated April 25, 2000, approved, as a "Class 1" modification requiring no notice, a change to the terms of a permit for WIPP, the Waste Isolation Pilot Project. On May 2, 2000, an appeal of that approval and classification was filed in the Mexico Court of Appeals. Afterward, by letter dated May 10, 2000, the Department Secretary determined that the modification was a Class 1 modification.

In the appeal, the Department argued that the Court lacked jurisdiction because the decision that was appealed, contained in the first letter, was not the final agency action. The Court assumed that the second letter, written by the Secretary, constituted the final agency action and that the notice of appeal was filed prematurely. However, the Court held that the premature filing of the notice of appeal did not deprive the Court of jurisdiction. The Court explained that in another case it had remanded a matter to allow the agency to take final action when a notice of appeal had been filed prematurely. However, in Southwest Research remand was not necessary because the Department had already made and filed its final action in the form of the Secretary's letter. By necessary implication, the

Department still had jurisdiction to make its final decision even though a premature appeal of a non-final decision had been made.

Thus, in Southwest Research, although the appellate body could hear the premature appeal since the final decision had thereafter been made, the Department did not lose the ability to make its final decision because of the premature appeal. Likewise, in this case, PruWinrock's error in prematurely filing its appeal did not prevent the DRB from taking its final action, and the EPC did have jurisdiction to consider the DRB's final action.

Sincerely,

Myers, Oliver & Price, P.C.

By: _____
John A. Myers

KJM/JAM/eh
Enclosure

cc: Victor Chavez, P.E., Director
Bob Paulsen, Principal Planner
Roger Green, DRB Chair
Sharon Matson
David Suffling, Esq.
Kevin Curran, Esq.
John Salazar, Esq.
Michelle Henrie, Esq.
Gary Sapp
Herb Denish

H:\HUNT\JAM\LETTERS\Ltr to Envir. Plan Comm 4.doc

MYERS, OLIVER & PRICE, P.C.
1401 Central Ave. NW
Albuquerque, New Mexico 87104
(505) 247-9080
e-mail: jmyers@moplaw.com

TELECOPY COVER SHEET

DATE SENT: 2/6/03

TO	TELECOPIER NUMBER
Gary Sapp	915-298-4371
Herb Denish	842-6471
Vic Chavez, Planning Director	924-3339
Bob Paulsen, Principal Planner	924-3339
Roger Green, DRB Chair	924-3864
Sharon Matson	924-3864
Kevin Curran, Esq., City Legal	924-3632
John P. Salazar, Esq.	768-7395
Michelle Henrie, Esq.	768-7395

FROM: John Myers

OUR TELECOPY NO: (505) 247-9109 CLIENT/MATTER NO. _____

ENCLOSURE: Letter to Chairman of EPC

TOTAL NUMBER OF PAGES SENT INCLUDING COVER SHEET: 3

COMMENTS:

ENVIRONMENTAL PLANNING COMMISSION

A G E N D A

Thursday, February 13, 2003, 4:00 p.m.

Plaza del Sol Hearing Room
Lower Level
600 2nd Street NW

MEMBERS

Jeffery J, Jesionowski, **Chairman**
Alan Schwartz, Vice Chair

Susan Johnson
Mick McMahan
Camilla Serrano
Bevin Owens
Larry Chavez
John Briscoe

****

NOTE: A LUNCH BREAK AND DINNER BREAK WILL BE ANNOUNCED AS NECESSARY.
Agenda items will be heard in the order indicated below unless modifications to the Agenda are approved by the EPC at the beginning of the hearing (see item 1A and 1B below); deferral and withdrawal requests (by applicants) are generally reviewed at this time.

There is no set time for cases to be heard; however, interested parties can monitor the progress of the hearing by calling the Planning Department at 924-3860. All parties wishing to address the Commission must sign-in with the Commission Secretary at the front table prior to the case being heard. Please be prepared to provide brief and concise testimony to the Commission if you intend to speak. In the interest of time, presentation times are limited as follows, unless otherwise granted by the Commission Chair: Staff - 5 minutes; Applicant – 10 minutes; Public speakers – 2 minutes each.

All written materials – including petitions, legal analysis and other documents – should be submitted at least one week prior to the meeting in time for presentation to the EPC at its Study Session. The EPC strongly discourages submission of written material at the meeting. Except in extraordinary circumstances, the EPC will not consider any written materials submitted at the meeting. In the event the EPC believes the written material submitted may influence its final decision, the EPC will likely defer the matter to a subsequent meeting.

NOTE: ANY AGENDA ITEMS NOT HEARD BY 8:30 P.M. MAY BE DEFERRED TO ANOTHER HEARING DATE AS DETERMINED BY THE PLANNING COMMISSION.

1. Call to Order.
   A. Announcement of Changes and/or Additions to the Agenda
   B. Approval of the Amended Agenda
   D. Approval of Minutes for December 5, 2002

2. **02EPC- 01924 Project # 1002315**
   02DRB-01650 Major-Preliminary Plat Approval
   02DRB-01651 Major-Vac of Pub Right-of-Way
   02DRB-01652 Major-Vac of Public Easements
   02DRB-01653 Minor-Temp Defer SDWK
   02DRB-01654 Minor-Sidewalk Waiver

   Garcia/Kraemer & Associates, appeals the Development Review Board's approval of the Preliminary Plat approval for all or a portion of Tract(s) 13, **THE WILDERNESS @ HIGH DESERT,** zoned SU-2, HD, R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND, containing approximately 73 acre(s). [REF: 02DRB-01646](F-23)

3. **03EPC-00112 Project # 1002337**
   02DRB-01708 Minor-Site Dev Plan BldPermit/EPC
   02DRB-01710 Minor-Site Dev Plan Subd/EPC

   Rodey Dickason Sloan Akin & Robb PA, Michelle Henrie, appeals the Development Review Board's
   Final sign off of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). (J-19) Bob Paulsen, EPC Case Planner.

4. **Project # 1002124**
   02EPC-01154 Text Amendment

   90 day

   HERBERT M. DENISH & ASSOCIATES, INC., agent for HUNT UPTOWN, LLC requests text amendments to the Uptown Sector Plan SU-3 Zone for the Uptown Urban Center: Intense Core and the SU-3 Zone for the Uptown Urban Center: Outside of Intense Core, located on the NW, NE, SE & SW QUADRANTS OF LOUISIANA BLVD. NE AND INDIAN SCHOOL ROAD NE, containing approximately 297 acres. (H-18) Paula Donahue, Staff **(DEFERRED FROM DECEMBER 5, 2002)**

5. **Project # 1002247**
   02EPC-01472 EPC Site Development Plan-Subdivision

   HERBERT M. DENISH AND ASSOCIATES, INC. agent for HUNT UPTOWN, LLC AND HUNT UPTOWN II, LLC requests approval of a site development plan for subdivision for all or a portion of Tracts A1, B1, and B2 of St Pius X, zoned SU-3 for the Uptown Urban Center: Intense Core, SU-3 for the Uptown Urban Center: Outside of Intense Core, and SU-2 for R-2 and O-1 uses, located between LOUISIANA BLVD NE, and ESPANOLA STREET and between ARVADA AV. NE and INDIAN SCHOOL RD. NE, containing approximately 28 acres. (H-19) Paula Donahue, Staff Planner **(DEFERRED FROM DECEMBER 5, 2002)**

5. Project # 1002202
02EPC-01469 EPC Site Development Plan-Amendment to Subdivision
02EPC-01470 EPC Site Development Plan-Amendment to Building Permit

RODEY, DICKASON, AKIN & ROBB PA agent(s) for PRUWINROCK, LLC request the referenced action(s) for all or a portion of Tract(s) A-1-1 and Tracts A-2, A-3, B, C-2A, D-1A and E-1, **Winrock Center Addition**, zoned SU-3, SU-2(R-2 & C-2) & SU-2(R-2 & O-1), located on LOUISIANA NE, between I-40 and INDIAN SCHOOL NE, containing approximately 81 acre(s). (J-19) Juanita Vigil, Staff Planner **(DEFERRED FROM DECEMBER 5, 2002)**

6. Other Matters

This is the final signed off set.

She's saying that <u>all</u> administrative actions, including changes to the site plan, should have ceased at the date of appeal (Dec 12TH). And she thinks the Final signoff should not have occured due to the "stay in action" due to the appeal.

DRB Chair

DRB RESPONSE
TO
PRUWINROCK'S 2/13/03 EPC APPEAL

ISSUE RAISED BY PRUWINROCK: WHETHER DRB HAD JURISDICTION OVER FINAL SIGNOFF ON MONROE SITE PLANS DURING PENDENCY OF PRUWINROCK'S ADMINISTRATIVE APPEAL.

- THE DRB HAD SUBSTANTIALLY APPROVED THE SITE DEVELOPMENT PLAN FOR SUBDIVISION & THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT FOR THE MONROE SITE DURING ITS NOVEMBER 20, 2002 MEETING.

- THE SIGNATURES OF THE DRB MEMBERS ARE MINISTERIAL ACTS NECESSARY TO PERFECT THE DRB'S DECISION. THE APPEAL FILED ON DECEMBER 3, 2002 DID NOT DIVEST THE DRB OF JURISDICTION TO PERFORM MINISTERIAL FUNCTIONS INCIDENT TO THE DECISION OF APPROVAL ON NOVEMBER 20, 2002.

- THE DRB'S SIGNOFF WAS NOT IN VIOLATION OF SECTION 14-16-4-4(A)(3) OF THE CITY ZONING CODE. THIS SECTION STATES:

  "Once an appeal is filed, all prior decisions rendered by the Zoning Enforcement Officer, Planning Commission, and LUCC upon which The appeal is based may not be unilaterally withdrawn, changed or modified by any of the above as they have lost jurisdiction to act on the matter"

- THE SIGNATURES OF THE DRB MEMBERS DID NOT IN ANY WAY WITHDRAW, CHANGE OR MODIFY THE DECISION TO APPROVE.

- THE APPELLANT WAS NOT PREJUDICED BY DRB'S SIGNATURES ON THE TWO SITE PLANS BECAUSE THE APPELLANT ACTUALLY APPEALED THE NOVEMBER 2OTH DRB DECISION & WAS GIVEN A FULL & FAIR HEARING ON ALL SUBSTANTIVE & PROCEDURAL ISSUES LAST JANUARY 16TH BEFORE EPC.

- APPELLANT FAILED TO RAISE THIS ISSUE BEFORE EPC AND, THEREFORE, HAS WAIVED THIS CLAIM.

- DRB RECOMMENDS EPC DENY THIS APPEAL.

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION

AGENDA NUMBER: 3
ENVIRONMENTAL PLANNING COMMISSION
February 13, 2003

03EPC-00112 **Project # 1002337** 02DRB-01708 (SBP) 02DRB-01710 (SPS)	Rodey Dickason Sloan Akin & Robb PA, Michelle Henrie, appeals the Development Review Board's Final sign off of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL**, zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) **Bob Paulsen, EPC Case Planner.**

DEVELOPMENT REVIEW BOARD'S COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION February 13, 2003:

Request Summary:

This is an appeal of the January 7, 2003, Development Review Board final sign off action approving the Site Development Plan for Building Permit and the Site Development Plan for Subdivision for all or a portion of Tract A, Monroe Junior High School site, located on Louisiana Boulevard, NE, between Indian School Rd, NE and Interstate 40 containing approximately 12 acres.

The appellant is PruWinrock, LLC, represented by Rodey Dickason Sloan Akin and Robb, PA. Michelle Henrie acted as spokesperson for the agent.

Background:

On October 15, 1998, the EPC approved the two site plans and delegated final sign off to DRB with responsibility of making sure all EPC conditions were met. The EPC's approval of the two site plans was appealed to the City Council. The EPC also acted to recommend approval of an Uptown Sector Plan amendment to City Council with the addition of a housing component. In February 1999. the City Council upheld the EPC's approval of the site plans and approved the Sector Plan amendment, consistent with the EPC's recommendation.

Following the City Council's approval of these three requests, several neighborhood associations and the Prudential Insurance Company of America filed lawsuits against Tesch, the applicant at that time, and the City to undo the amendment to the Sector Plan and the approval of the two site plans. These lawsuits were combined into one. The New Mexico Court of Appeals dismissed the lawsuit in January 2001 and entered the mandate in March 2001 which finalized the process.

On November 13, 2002, Herb Denish and Associates, Inc, agent for Hunt Uptown II, LLC, current owners of the Monroe Site, presented the EPC approved Site Development Plan for Subdivision and the Site Development Plan for Building Permit to DRB for final signoff. The case was deferred to November 20, 2002 to allow the applicant time to remove Tract A of the Monroe Site from the pending submittal of adjacent property for action by the EPC on December 5, 2002.

By way of letter to the Planning Department dated November 15, 2002, Tract A of the Monroe Site was removed from the adjacent Hunt Uptown II project, thus making it possible for the DRB to act on the site plans for the Monroe Site.

On November 20, 2002, the site development plan for subdivision and the site development plan for building permit were again before DRB for final sign off. The DRB members provided comments on the two submittals, with the Board approving the plans. Final signoff was delegated to City Engineer, Transportation Development & Planning. Planning requested delegation to see what action the EPC would take on Conditions 15 and 21. These conditions needed EPC action to be satisfied. City Engineer requested delegation for execution of a Subdivision Improvements Agreement. Transportation Development requested delegation to verify that the site plans conformed to the transportation improvements pending in this area.

At the EPC December 5, 2003 hearing, the EPC reviewed the actions taken by Hunt Uptown to satisfy Conditions 15 and 21. They subsequently found that Hunt had, in fact, satisfied these conditions. This action made it possible for Planning's DRB member to sign the site plans.

A Subdivision Improvements Agreement was executed by the applicant/agent as required for the City Engineer's signature on the site plans. In addition, Transportation Development's DRB member was satisfied that the plans met all EPC transportation related conditions.

The Planning and Transportation Developments signed the site plans. The final signature of the City Engineer, occurred on January 7, 2003 concluding the DRB's review and approval of this matter. All parties of record were notified of this action by the City.

In the meantime, on December 3, 2002, PruWinrock filed an administrative appeal to EPC of the DRB's November 20, 2002 decision to approve the two site plans with delegation to Planning, City Engineer and Transportation Development. EPC denied the PruWinrock appeal at its hearing on January 16, 2003.

Appeal:

The Appellant lists one reason for this appeal.

1. *The DRB did not have jurisdiction over sign off on the project during the pendency of PruWinrock's administrative appeal.*

The DRB had substantially approved the site development plan for subdivision and the site development plan for building permit during its November 20, 2002, meeting. The signatures of the Planning representative, the City Engineer and the Transportation Development representative were placed on the already approved site plans after all pending conditions and issues were satisfied. This action was finalized on January 7, 2003.

The City's position is that the two year sunset deadline imposed by the Uptown Sector Development Plan had not expired because pending litigation acted as a "stay". Therefore, DRB did have jurisdiction over final signoff authority on these site plans assuming all EPC conditions were met.

Summary/Findings:

Under Section 14-14-8-3 of the Subdivision Ordinance, the basis for an appeal of DRB action is one or more of the following:

- Error in applying adopted city plans, policies, and ordinances in arriving

at the decision;
- Error in the appealed action or decision, including its stated facts;
- Error in acting arbitrarily or capriciously or being manifestly abusive of discretion.

Appellant appears to claim that there was an error in applying City plans, policies and ordinances. There was no error by the City in applying it's plans, policies or ordinances for these reasons:

- The signatures of the DRB members are ministerial acts necessary to perfect the DRB's decision. Appellant's appeal filed December 3,2003, did not divest the DRB of jurisdiction to perform ministerial functions incident to the decision of approval on November 20, 2002.

The DRB's signoff was not in violation of Section 14-16-4-4 (A)(3) of the City Comprehensive Zoning Code which states:

> "Once an appeal is filed, all prior decisions rendered by the Zoning Enforcement Officer, the Zoning Hearing Examiner, the Planning Director, the Planning Commission and Landmarks and Urban Conservation Commission upon which the appeal is based may not be unilaterally withdrawn, changed or modified by any of the above as they have lost jurisdiction to act on the matter"

because the signatures of the DRB members did not in any way withdraw, change or modify the decision to approve.

- The appellant was not prejudiced by DRB's signatures on the two site development plans because the appellant actually appealed the November 20, 2002 DRB decision and was afforded a full and fair hearing on all substantive and procedural issues on January 16, 2003 before EPC.
- Appellant failed to raise this issue before EPC and, therefore, has waived this claim.

RECOMMENDATION: **DENIAL OF Appeal Application 03EPC-00112 Project #1002337**, Application #02-01708 *and* Application #02-01710 based on the preceding Summary/Findings.

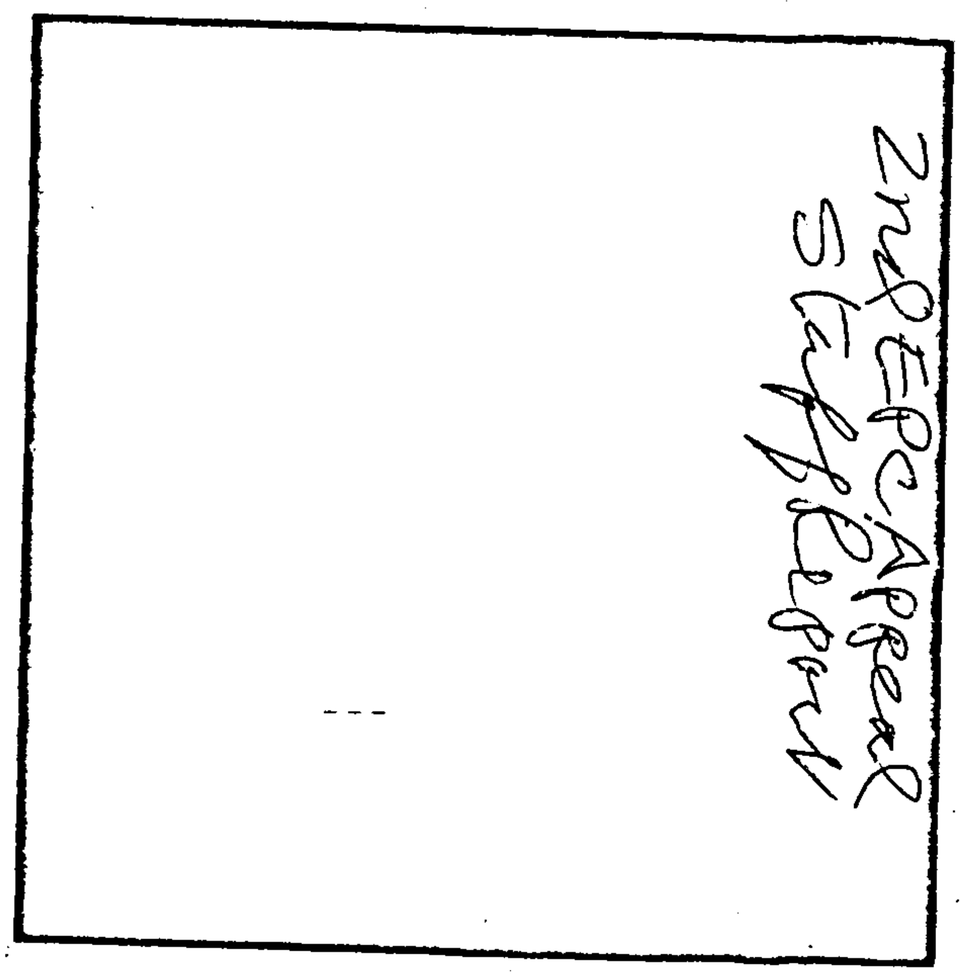
Sheran Matson

Sheran Matson, AICP, Chair
Development Review Board

DRB Response
To
PruWinrock 2/13/03 EPC Appeal

Table of Contents

1. Response to Appeal 1 - 4
2. Appeal by PruWinrock 5 - 15
3. Hunt Uptown II, LLC, Response to Appeal 16 - 22
4. PruWinrock's Response to Hunt Uptown's Response 23-26
5. DRB Public Hearing Legal Ad for 2/13/03 EPC Appeal 27
6. DRB Minutes & Action Sheet of 11/20/02 Hearing 28 - 43
7. EPC Minutes of 1/16/03 44 - 68
8. 1/7/03 Letter of DRB Signoff to Hunt Uptown II LLC 69 - 70
9. 1/24/03 Amended EPC Official Notification of Decision 71 - 72
10. DRB Appeal Packet for 1/16/03 EPC Hearing (Agenda Attachment)
11. Site Plan Packet Approved by EPC in 10/98 (Agenda Attachment)
12. Site Plans Approved by DRB 11/20/02 (Agenda Attachment)



City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

	Supplemental form		Supplemental form
SUBDIVISION	**S**	**ZONING**	**Z**
☐ Major Subdivision action		☐ Annexation & Zone Establishment	
☐ Minor Subdivision action		☐ Sector Plan	
☐ Vacation	**V**	☐ Zone Change	
☐ Variance (Non-Zoning)		☐ Text Amendment	
SITE DEVELOPMENT PLAN	**P**	**APPEAL / PROTEST of...**	**A**
☐ ...for Subdivision Purposes		☒ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal	
☐ ...for Building Permit			
☐ IP Master Development Plan			
☐ Cert. of Appropriateness (LUCC)	**L**		

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: PruWinrock, LLC
c/o Rodey Dickason Sloan Akin & Robb, PA (Michelle Henrie) PHONE: 505-768-7394
ADDRESS: P.O. Box 1888 FAX: 505-768-7395
CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: mhenrie@rodey.com
Proprietary interest in site: Owner of adjacent property

AGENT (if any): Rodey Dickason Sloan Akin & Robb, PA (Michelle Henrie) PHONE: 505-768-7394
ADDRESS: P.O. Box 1888 FAX: 505-768-7395
CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: mhenrie@rodey.com

DESCRIPTION OF REQUEST: Appeal of DRB action of January 7, 2003, performing final sign off on Project No. 1002337, Case Nos. 02DRB-01708 and 02DRB-01710 while an administrative appeal of this project is pending.

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☒ No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract A Block: ____ Unit: ____

Subdiv. / Addn. Monroe Junior High School

Current Zoning: SU-3 Inside & Outside Intense Core Proposed zoning: No Change

Zone Atlas page(s): J-19 No. of **existing** lots: 1 No. of **proposed** lots: 3

Total area of site (acres): 11.75/ 9.6 Density if applicable: dwellings per gross acre: 2 dwellings per net acre: 3

Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? No

UPC No. 1-019-058-048-497-2-04-14 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Louisiana Blvd., NE
Between: Indian School Rd., NE and Interstate 40

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): 02EPC-01836, 02EPC-01837, Z-98-123, Z-96-119, 02EPC-01472

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☐. Date of review: ____

SIGNATURE _____ DATE 1/21/03

(Print) Michelle Henrie, Rodey, Dickason, Sloan, Akin & Robb, PA ☐ Applicant ☒ Agent

FOR OFFICIAL USE ONLY Form revised September 2001

☐ ~~INTERNAL~~ ROUTING	Application case numbers	Action	S.F.	Fees
☑ All checklists are complete	03EPC 00112	AP	A	$ 192
☑ All fees have been collected				$
☑ All case #s are assigned	NOTIF. FEE			$ 30
☑ AGIS copy has been sent			tot.	$ 240
☑ Case history #s are listed			pd	$ 105
☑ Site is within 1000ft of a landfill				Total
☐ ~~F.H.D.~~P. density bonus	Hearing date 2-13-2003		bal due	$ 135.00
☐ ~~F.H.D.~~P. fee rebate				

Paid 1/23/03 C.S.

1/22/03
Planner signature / date

Project # 1002337

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
S. DIXON
BURTON
IROCKMORTON
N W. HEWES
C. MINZNER
ERT LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG
CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
R. TRACY SPROULS
DONALD B. MONNHEIMER
ALAN HALL
BRIAN H. LEMATTA
JULIE P. NEERKEN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
KARLA K. POE
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
BRENDA M. MALONEY
MATTHEW S. WERMAGER
LARRY J. MONTARO
JESSICA M. HERNANDEZ

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
COUNSELORS AND ATTORNEYS AT LAW
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WEB-SITE: WWW.RODEY.COM
E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
ROBERT G. McCORKLE
PABLO PRANDO

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER
(505) 768-7394
mhenrie@rodey.com

January 22, 2003

Via Hand Delivery

Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd St. N.W., 2nd Floor
Albuquerque, New Mexico 87102

Re: Appeal of DRB's final sign-off, performed on January 7, 2003
Of Project #1002337
02DRB-01710 Minor-Site DevPlan Subd/EPC,
02DRB-01708 Minor-Site DevPlan BldPermit/EPC

Dear Environmental Planning Commissioners:

This firm represents PruWinrock, LLC, the owner of Winrock Shopping Center. PruWinrock, LLC is appealing the above-referenced decision of the Development Review Board. PruWinrock, LLC owns property within 300 feet of the above referenced property.

We enclose with this letter the following:

1. A check for $105.00 as a filing fee. Additional fee for $130.00 to pay total of EPC filing fees of $240.00 1/24/03
2. Development Review Application
3. Appeal (Form A)
4. Reason for the Appeal
5. Appellants' basis of standing

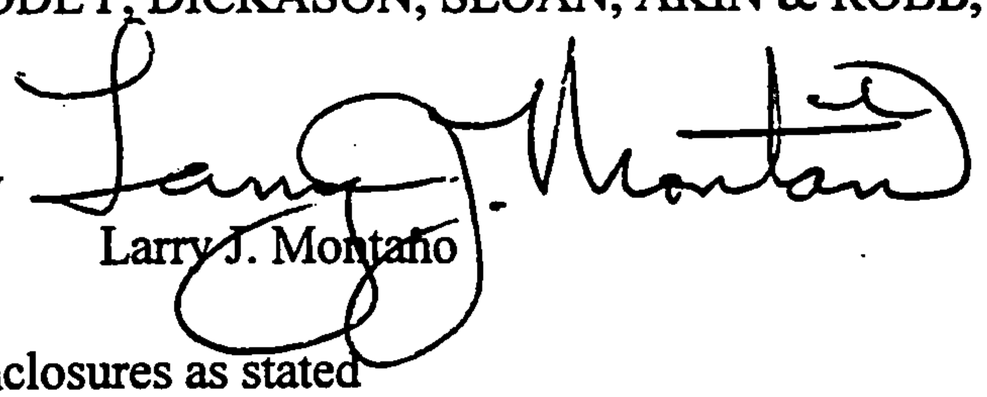
6

6. A copy of a letter including the date of the DRB's action (no Notice of Decision was issued).

7. Letter of Authorization

Very truly yours,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By 
Larry J. Montaño

Enclosures as stated

cc (via U.S. mail with enclosures):

Members of the Environmental Planning Commission:
Jeffrey Jesionowski, Chairman
Alan Schwartz, Vice Chairman
Susan Johnson
Elizabeth Begay
John Briscoe
Larry Chavez
Mick McMahan
Bevin Owens
Camilla Seranno
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
John Salazar, Esq.
John A. Myers, Esq.
Victor Chavez, P.E.
David Suffling, Esq.
Kevin Curran, Esq.
Charles E. Miller, Principal, The Prudential Insurance Company of America
Shelton Weeks, Jr., General Manager, Winrock Center
Members of Uptown Neighborhood Associations:
Bill Terchi
Lynn Tabor
Stephen Verchinski

Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil
Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Dorothy Finaldi
Rick Paul
Tom Joule
Richard Peterson
John Kinney
Nicholas Wees
Virginia Emmett
Ike Eastvold
Randy Sanchez, General Manager, Coronado Center

REASONS FOR THE APPEAL

Appeal of DRB action dated January 7, 2003
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

PruWinrock, LLC ("PruWinrock"), the owner of Winrock Shopping Center, hereby appeals the January 7, 2003 action by the Development Review Board ("DRB") performing final sign off on the above-referenced project while an administrative appeal of the project is pending. The site plans at issue in the project are for a 9.63 acre vacant tract of land in the Uptown area of Albuquerque that was the former site of the Monroe Junior High School, now known as the "Monroe site." The Monroe site is northwest of and adjacent to the Winrock Shopping Center. The Monroe site is included within the boundaries of the Uptown Sector Development Plan ("Uptown SDP"). Under the Uptown SDP, the Monroe site is zoned SU-3 for the Uptown Urban Center, Inside the Intense Core and SU-3 for the Uptown Urban Center, Outside the Intense Core. The DRB's action is described in the attached Action Sheet labeled Exhibit A.

Background

The Monroe site has been vacant since the early 1980s. In 1998, the site was acquired by several local investors ("the Tesch group"). The Tesch group submitted both a Site Plan for Building Permit and a Site Plan for Subdivision to the EPC in August 1996. The project became known as "Uptown Spectrum I." These plans were eventually approved by the EPC in May 1997 and withstood appeal. The Tesch group never submitted these plans to the DRB for final sign off.

In August 1998, the Tesch group submitted a different project, the "Uptown Spectrum II" project, to the EPC for review. This submittal package included a Site Plan for Building Permit, a Site Plan for Subdivision, and a Sector Development Plan amendment. On October 15, 1998, the EPC approved the site plans and recommended approval of the Sector Development Plan amendment with the addition of a housing component. The City Council approved the Sector Development Plan amendment in February 1999. The Tesch group never submitted the Site Plans to DRB for final sign off.

In the summer of 2002, Hunt Uptown II, LLC, the current owner of the Monroe site, together with Hunt Uptown, LLC, the owner of the large, vacant, adjacent tract to the north (known as the "St.

Pius site"), publicly unveiled a project integrating the two sites called "ABQuptown." In connection with this project, the Hunt entities submitted a Site Plan for Subdivision and Sector Development Plan amendment. Before the EPC had an opportunity to review the ABQuptown project at a public hearing, Hunt Uptown II, LLC, revised the old 1998 Uptown Spectrum II project Site Plans and submitted them to the DRB for final sign-off.

On November 20, 2002, the DRB reviewed the revised site plans. The revised site plans "were approved with final sign off delegated to the City Engineer, Transportation Development and Planning." On December 3, 2002, PruWinrock filed an administrative appeal with the EPC of the DRB's November 20, 2002 decision. On January 7, 2003, the DRB performed final sign off approving the Monroe Junior High School Site Plan, Case # 1002337, even though PruWinrock's appeal was still pending. As explained below, the DRB was without jurisdiction to act on the project while PruWinrock's administrative appeal was pending, and so its January 7, 2003 action is void as a matter of law.

Reasons for the Appeal

1. The DRB Did Not Have Jurisdiction over Sign off on the Project During the Pendency of PruWinrock's Administrative Appeal

The issue is whether the DRB had the power and authority to perform final sign-off on the project on January 7, 2003, even though PruWinrock's appeal of the DRB's November 20, 2002 decision regarding the same matter was still pending. It is black-letter law that an administrative appeal of a DRB action divests the DRB of jurisdiction in the matter appealed. See Albuquerque, N.M., Code of Ordinances § 14-16-4-4(A)(3) (stating that "[o]nce an appeal is filed [under this section], all prior decisions rendered by the Zoning Enforcement Officer, the Zoning Hearing Examiner, the Planning Director, the Planning Commission and Landmarks and Urban Conservation Commission upon which the appeal is based may not be unilaterally withdrawn, changed or modified by any of the above as they have lost jurisdiction to act on the matter.") (emphasis added); see also Section 3-21-8(B) NMSA 1978 (stating that, in the context of an appeal of a zoning decision, "[a]n appeal shall stay all proceedings in furtherance of the action appealed unless the officer, commission or committee from whom the appeal is taken certifies that by reason of facts stated in the certificate, a stay would cause imminent peril of life or property.").

On November 20, 2002, the DRB approved the revised Site Plans "with final sign off delegated to the City Engineer, Transportation Development and Planning." On December 7, 2003,

PruWinrock appealed the DRB's November 20, 2002 decision. In spite of the fact that PruWinrock's appeal of the DRB's decision was still pending, on January 7, 2003, the DRB performed final sign-off on the project. However, based on the foregoing authorities, the DRB lacked power and authority to act on the matter. Accordingly, the DRB's January 7, 2003 action is void as the DRB was without jurisdiction to perform final sign-off approving the Monroe Junior High School Site Plan, Case # 1002337.

Conclusion

For these reasons, PruWinrock respectfully asks the Environmental Planning Commission to set aside the January 7, 2003 action of the DRB.

BASIS FOR STANDING

Appeal of DRB action dated January 7, 2003
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

PruWinrock, LLC ("PruWinrock"), has standing to appeal the January 7, 2003 action by the Development Review Board ("DRB") performing final sign-off on the above-referenced project, because: (1) PruWinrock owns property within 300 feet of the subject property, now known as the "Monroe site", which is a 9.63 acre vacant tract of land in the Uptown area of Albuquerque that was the former site of the Monroe Junior High School; and (2) PruWinrock is imminently threatened with injury as a result of the DRB's action. See Albuquerque, N.M., Code of Ordinances ("Zone Code") § 14-16-4-4 (B)(2)(c) and De Vargas Savings & Loan Ass'n v. Campbell, 87 N.M. 469, 472, 535 P.2d 1320, 1323 (1975) (appellants must be injured in fact or imminently threatened with injury, economically or otherwise).

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

RDSA&R JAN 0 8 2003

January 7, 2003

Lawrence Kline
Herb Denish & Associates, Inc
500 Marquette, NW, Suite 350
Albuquerque, New Mexico 87103

Dear Mr. Kline:

This is to inform you that the DRB final sign off approving the Monroe Junior High School Site Plan, Case # 1002337 occurred today, January 7, 2003.

Please call me at 924-3989 if you have any questions.

Sincerely,

Roger Green, P.E.
Acting DRB Chairperson

cc: Michelle Henrie, Rodey Dickason Sloan Akin & Robb,PA
Kevin Curran, Assistant City Attorney
John Myers, Myers Oliver Price, PC
Bill Sterchi & Lynn Tabor, Alvarado Park N.A.
Stephen Verchinski & Mary Lou Sorenson, Classic Uptown N.A.
Bob Bruno & Richard P. Huber, Inez, N.A.
Julie Jones & Jeff Paul, Jerry Cline Park N.A.
Valorie Vigil & Mark Trujillo, New Kimo N.A.
Timothy Sanchez-Brown & Orlando Esparza, Quigley Park N.A.
Dorothy Finaldi & Rick Paul, Snow Heights N.A.
R. Shelton Weeks & Tom Joule, Uptown Association
Richard Peterson & John Kinney, Winrock South N.A.
Virginia Emmett & Nick Wees, Zuni N.A.
Ike Eastvold, Fair Heights N.A.

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

cc(con't):

Susan Johnson, Elizabeth Begay, John Briscoe, Larry Chavez, Jeffrey Jesionowski, Mick McMahon, Bevin Owens, Camilla Serrano, EPC Members
Victor Chavez, Planning Department Director
Paula Donahue, Staff Planner

PruWinrock LLC

Two Ravinia Drive, Suite 1400
Atlanta, Georgia 30346-2110
Telephone: (770) 395-8620
Facsimile: (770) 395-8454

January 21, 2003

Re: Appeal of DRB's final sign-off, performed on January 7, 2003,
Of Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

To whom it may concern:

PruWinrock LLC, owner of the Winrock mall, hereby authorizes Rodey, Dickason, Sloan, Akin & Robb, P.A., to act as its agent for all purposes relating to appeal of the above-referenced decision and matters relating thereto.

Sincerely,

PruWinrock LLC, a Delaware
Limited Liability Company

By: The Prudential Insurance Company of America
a New Jersey corporation, its sole member and
manager

By: Charles E Miller
Charles E. Miller
Principal

15

JOHN A. MYERS
SCOTT OLIVER*
CHARLES P. PRICE III
KEVIN J. McCREADY
HOPE MEAD WYNN

*ALSO LICENSED IN TEXAS

MYERS, OLIVER & PRICE, P.C.
LAWYERS
1401 CENTRAL AVENUE, N.W.
ALBUQUERQUE, NEW MEXICO 87104

TELEPHONE
(505)247-9000

FACSIMILE
(505)247-9109

e-mail: jmyers@moplaw.com

RECEIVED
FEB 03 2003
HYDROLOGY SECTION

January 31, 2003

HAND DELIVERED
Alan Schwartz, Chairman
Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd Street NW, 2nd Floor
Albuquerque, New Mexico 87102

COPY

Re: Response to Appeal of DRB's Action of January 7, 2003; Project No. 1002337; 02DRB-01710 Site Development Plan for Subdivision; 02DRB-01708 Site Development Plan for Building Permit

Dear Chairman and Commissioners:

This office represents Hunt Uptown II, L.L.C. ("Hunt). This letter responds to the appeal filed by PruWinrock, L.L.C. ("PruWinrock"), through its agent, Rodey, Dickason, Sloan, Akin & Robb, P.A., of the final January 7, 2003 sign-off by the City's Development Review Board ("DRB") on the Site Development Plan for Subdivision and the Site Development Plan for Building Permit (together, the "Site Plans") for the Monroe Junior High Site (the "Monroe Site").

Factual Background

This office's January 9, 2003 letter to the EPC contained a detailed discussion of the factual background of this case. Therefore, only a brief review of the history of the case and synopsis of the subsequent facts are included in this letter.

Upon application by a former contract purchaser of the Monroe Site, the EPC, on October 15, 1998, voted to recommend that the City Council approve certain amendments to the Uptown Sector Development Plan (the "Sector Plan Amendments") and approved, with conditions, the Site Plans for the Monroe Site. In February 1999, the City Council adopted the Sector Plan Amendments and denied an appeal of the EPC's approvals of the Site Plans.

The Sector Plan Amendments were appealed to District Court by the predecessor to PruWinrock. The approvals of the Site Plans were appealed to District Court by a group of neighborhood associations. The appeal of the Sector Plan Amendments was resolved on

March 14, 2001, when the Court of Appeals issued its Mandate and transmitted to the District Court its order denying Winrock's petition for further appeal. The appeals of the Site Plans, were resolved on January 8, 2001, when they were voluntarily dismissed by the appellants.

Hunt, the owner of the Monroe Site, made application in November 2002 for the DRB to sign off on the Site Plans that had been approved by the EPC in 1998. The DRB's responsibility in this regard was limited to determining whether the conditions imposed by the EPC as part of its 1998 approval of the Site Plans were satisfied.

After a one-week deferral, the DRB considered the Site Plans for final sign-off at its November 20, 2002 meeting. Two members of the DRB, the Parks representative and the Utilities representative, had no outstanding issues and indicated their approval of the Site Plans. The City Engineer, the Transportation Development Department and the Planning Department each had one or more outstanding issues and could not sign off on the Site Plans at that meeting. The City Engineer could not sign off until Hunt entered into a subdivision improvement agreement. Planning could not sign off until it verified compliance with EPC Conditions 15 and 21. Traffic could not sign off until it verified that the Site Plans conformed to other plans and projects in the area. Although the DRB stated that the Site Plans were approved, at the same time it specifically delegated final sign-off on the Site Plans to the City Engineer, Transportation and Planning. This delegation of authority allowed for the completion of the DRB final sign-off without the necessity of another DRB hearing, so long as the above concerns were satisfied.

On December 3, 2002, PruWinrock filed an appeal of the DRB's "decision" of November 20, 2002, notwithstanding that the DRB's work clearly was not complete. PruWinrock claimed that the DRB did not have jurisdiction over final sign-off of the revised Site Plans, that the DRB erred in allowing final sign-off before all conditions of EPC approval had been satisfied and that notice of the DRB action was insufficient.

Between November 20, 2002 and January 7, 2003, the remaining conditions imposed by the EPC were satisfied, allowing for sign-off by the remaining three members of the DRB. The final DRB sign-off on the Site Plans occurred on January 7, 2003, as evidenced by the DRB's letter of that date.

The EPC heard PruWinrock's December 3 appeal on January 16, 2003. By the time the EPC heard PruWinrock's appeal, all outstanding conditions imposed by the EPC had been satisfied and the DRB had signed off on the Site Plans. The EPC denied PruWinrock's December 3 appeal.

PruWinrock has now appealed the DRB's final sign-off of the Site Plans on January 7, 2003, claiming that the DRB did not have jurisdiction to sign off on the project while PruWinrock's appeal of December 3 was pending.

Argument

The issues on this appeal are more narrow than the issues on PruWinrock's December 3 appeal. The approval of the Site Plans by the EPC has already been the subject of administrative and court appeals. The DRB sign-off of the Site Plans is only for the purpose of certifying that the Site Plans incorporate all conditions imposed by the EPC. PruWinrock has already had the opportunity to raise issues relating to the DRB's review and approval of the Site Plans at the EPC's January 16 hearing. The only issue raised by PruWinrock in this latest appeal is whether the DRB had jurisdiction to perform final sign-off while PruWinrock's December 3 appeal was pending.

Legal authority, as well as fundamental concepts of fairness, dictate that Winrock cannot paralyze the administrative process by filing an appeal in the middle of the DRB process and prevent the DRB from completing its process. It is easy to understand that accepting Winrock's argument would prevent any approvals from being finalized. This appears to be PruWinrock's goal.

I. PRUWINROCK'S DECEMBER 3, 2002 APPEAL TO THE EPC WAS PREMATURE

An administrative or zoning board decision must be final before it can be appealed. 12 Powell on Real Property § 79C.15[5] (2000) at p. 79C-365 ("Powell"). A determination by a zoning board is final when it does not appear to contemplate further discretionary action. Powell; Rohan 7 Zoning and Land Use Controls § 51.06[4] (1992) at p. 51.84 ("Rohan"). As stated in Rohan:

> What makes a decision appealable is that it purports to be the decision of the board with respect to an application for relief . . . This is especially so where the board refers to its action as a decision, votes on it, and files it with the local clerk as a final decision. In such a case it is clearly meant to have legal effect as a decision.

In the current case, there was no sign-off by the DRB at its November 20 hearing, and this was the only task before it. The discussion at the hearing clearly reflected that no final decision was being made at the hearing. The DRB did not issue a written decision of final sign-off based on the November 20 hearing. Rather, written notification of final sign-off was made by letter of January 7, after the three DRB members to whom final sign-off was delegated actually signed off on the Site Plans. The approval of the Site Plans could not have occurred at the November 20 DRB hearing when only two of the five members of the DRB could support the approval at that time.

The limited nature of the DRB's authority must be considered in determining whether the DRB made an appealable final decision at its November 20 hearing. The DRB was only to determine whether the EPC's conditions attached to its approval of the Site Plans had been satisfied. It would not make sense to consider the DRB's delegation of the open issues necessary for sign-off as any form of final action when sign-off was the only matter before the DRB. The DRB had not yet performed its task of approving the Site Plans. The DRB's partial delegation of its authority for final sign-off was not meant to have effect as the final sign-off itself.

Our courts have stated that, in general, the right to appellate review of a zoning decision by a court is restricted to final judgments and decisions. West Gun Club Neighborhood Ass'n v. Extraterritorial Land Use Auth., 2001-NMCA-013, ¶ 4, 130 N.M. 195, 196. The same rule should hold true in relation to the appeal of decisions of city zoning authorities to a city appellate zoning authority.

See, Sailmaker at City Island Associates v. Bennett, 594 N.Y.S.2d (A.D. 1 Dept. 1993) (Because application for zoning variance continued to be under review pending submission of draft environmental impact statement, no rights had yet been adjudicated, and thus right to public hearing mandated by statute and city's own administrative rules had not yet been triggered). See also, Sansone Oldsmobile-Cadillac, Inc. v. Board of Adjustment of Borough of Shrewsbury, 511 A.2d 748 (N.J.Super.L.1986) (Zoning board deliberations, at which members indicated by their discussions an intention to deny variance, did not constitute vote to deny application for variance absent taking of formal vote). In the present case, no rights were granted to Hunt at the November 20 DRB meeting, and no sufficient vote approving the Site Plans was taken.

The actions before City boards are administrative proceedings. The law in New Mexico, as well as the general law across the country, is that an administrative decision is not subject to review until the decision is final, that is the "administrative order must have nothing further for the agency to do." 2 Am. Jur. 2nd Administrative Law §381, p. 382. The same principle applies to court review of administrative actions. The court in Mills v. New Mexico State Board of Psychologist Examiners, 1997-NMSC-028, ¶ 11,123 N.M. 421, 425 held that courts may not review actions of administrative actions until those actions are final. The determination of whether administrative body's consideration of issues has reached "finality," for purposes of judicial review, must be based on the pragmatic consideration of the matters at issue and an analysis of whether the administrative body has in fact finally resolved the issues. Mills; Public Service Co. of New Mexico v. New Mexico Public Service Com'n, 111 N.M. 622, 808 P.2d 592 (S.Ct. 1991). From a pragmatic perspective, the November 20 action by the DRB was not a final resolution of its task.

In a parallel situation, many courts have considered when an agency action is ripe for review under the Administrative Procedure Act or other administrative statutory framework. In Howell v. U.S. Army Corps of Engineers, 794 F.Supp. 1072 (D.N.M. 1992),

the federal District Court for the District of New Mexico held that the factors to be considered when deciding whether an agency action is "ripe for review" include whether the action is a final agency action within the meaning of the Administrative Procedure Act; whether the action has or will have direct or immediate impact upon the plaintiffs; and whether the resolution of the issues will promote effective enforcement and administration by the agency. In this case, the interim action taken by the DRB at its November 20 meeting had no immediate impact upon anyone. Nor would permitting an interim appeal promote effective administration. On the contrary, it would cause delay, waste and confusion, much as we see now due to PruWinrock's premature appeal.

Since the December 3 appeal was premature, or was not "ripe" for consideration, it had no legal effect until the DRB completed its work and rendered its final decision on January 7, 2003. Therefore, following the December 3, 2002 appeal the EPC was without jurisdiction until the DRB's work was done, and the DRB retained jurisdiction until its work was done.

II. PRU WINROCK'S DECEMBER 3, 2002 APPEAL TO THE EPC DID NOT REMOVE JURISDICTION FROM THE DRB FOR FINAL SIGN-OFF OF THE SITE PLAN AND DID NOT STAY DRB SIGN-OFF

An appellate zoning authority has no jurisdiction to consider an appeal unless the matter appealed has been determined. In Barron v. Getnick, 486 N.Y.S.2d 528 (A.D. 4 Dept. 1985), the court held that a town zoning board of appeals had no jurisdiction to consider a matter without a prior determination by the building inspector who was charged with making the determination. Similarly, in Brenner v. Sniado, 549 N.Y.S.2d 69 (A.D. 2 Dept. 1989), the court held that a letter from a building inspector did not constitute the statutorily prescribed prior "decision or determination" necessary to invoke the jurisdiction of the zoning board of appeals. Accordingly, the court upheld the determination of the zoning board of appeals that it was without jurisdiction to entertain the petitioner's application.

Section 3-21-8, N.M.S.A. 1978 addresses appeals from zoning officers or committees to a zoning authority. Section 3-21-8(B) provides in part that an "appeal shall stay all proceedings in furtherance of the action appealed" unless a certification is made by the body from whom the appeal is taken. The proceedings in furtherance of the action contemplated by the statute are additional, separate proceedings, proceedings "in furtherance of the action appealed." This would include, for instance, the issuance of a building permit on a site plan that had been approved but was subject to an appeal. This language does not include, and should not be construed to include, the action of the approval itself, the making of the decision on the matter before it.

As discussed above, there is a great body of law that prohibits appeals of interim or non-final action by a zoning or administrative authority. The language of the statute should

not be construed to mean that an appeal of a non-final decision of a zoning board, improperly filed, stays any further action of that zoning body in reaching its final decision.

Section 14-16-4-4 of the City Zoning Code addresses zoning appeals and jurisdiction. Section 14-16-4-4(A)(3) provides:

> Once an appeal is filed, all prior decisions rendered by the Zoning Enforcement Officer, the Zoning Hearing Examiner, the Planning Director, the Planning Commission and Landmarks and Urban Conservation Commission upon which the appeal is based may not be unilaterally withdrawn, changed or modified by any of the above as they have lost jurisdiction to act on the matter.

The DRB's actions occurring after Winrock's appeal were not an attempt to "withdraw, change or modify" a prior decision. Rather, the DRB's actions were to complete the rendering of its decision.

Moreover, this language does not apply to the DRB's interim action of November 20. An appeal of that interim action was filed, but, as shown above, the appeal was premature and not effective to give the EPC jurisdiction over the matter until the DRB's final sign-off in fact occurred. In this case, once the DRB took a final action by its sign-off on January 7, it did not change that action.

III. ONCE THE DRB FINAL SIGN-OFF OCCURRED ON JANUARY 7, THE EPC COULD HEAR PRUWINROCK'S APPEAL

The EPC was without jurisdiction to hear an appeal of the DRB's final sign-off until that final sign-off had occurred. Since the EPC hearing on the appeal occurred after the DRB's final sign-off, Hunt does not take the position that the hearing was a nullity. To do so would not be in the interests of economy and would waste the City's resources. On the other hand, the DRB did not lose jurisdiction until its task of final sign-off was complete. At that time, the DRB's action constituted a final action and could be reviewed. Hunt could have objected to any hearing of PruWinrock's December 3 appeal, based on the lack of finality of the DRB's decision on December 3. However, if such a position were adopted by the EPC, presumably PruWinrock would have had another opportunity to appeal the final sign-off of January 7, and the only result would have been additional delay. Hunt was not interested in such a result.

IV. PRUWINROCK SHOULD NOT GAIN AN ADVANTAGE BY IMPROPERLY APPEALING TOO EARLY

As Hunt argued in the last appeal to the EPC, and as shown above, there was no final decision made at the DRB's November 20 meeting that could be appealed. Nonetheless, PruWinrock prematurely appealed. Now PruWinrock is attempting to take advantage of its own error. PruWinrock's only argument in the current appeal is that the DRB did not have jurisdiction for final sign-off on December 7 because of PruWinrock's own premature appeal. Such an argument, if upheld, would be fundamentally unfair to Hunt and to the process.

Conclusion

Hunt respectfully requests that the EPC reject Winrock's appeal and uphold the final sign-off by the DRB.

Sincerely,

Myers, Oliver & Price, P.C.

By: _____
John A. Myers

KJM/JAM/eh
Enclosure
cc: Vic Chavez, Director
Bob Paulsen, Principal Planner
Roger Green, DRB Chair
Sharon Matson
David Suffling, Esq.
Kevin Curran, Esq.
John Salazar, Esq.
Michelle Henrie, Esq.
Mr. Gary Sapp
Mr. Herb Denish
H:\HUNT\JAM\LETTERS\Ltr to Envir. Plan Comm 3.doc

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
WILLIAM S. DIXON
JOHN P. BURTON
REX D. THROCKMORTON
JONATHAN W. HEWES
RICHARD C. MINZNER
W. ROBERT LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG

CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
R. TRACY SPROULS
KARLA K. POE
ALAN HALL
BRIAN H. LEMATTA
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
DIANA V. SANDOVAL
BRENDA MALONEY
MATTHEW S. WERMAGER
LARRY J. MONTAÑO
JESSICA HERNANDEZ

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
COUNSELORS AND ATTORNEYS AT LAW
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WEB-SITE: WWW.RODEY.COM
E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
DONALD B. MONNHEIMER
JULIE P. NEERKEN
ROBERT G. McCORKLE
PABLO PRANDO

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER

February 5, 2003

Hand Delivered

Jeffrey Jesionowski, Chairman
Environmental Planning Commission
City of Albuquerque
600 Second Street NW, Suite 300
Albuquerque, New Mexico 87102

Re: Appeal of DRB action of January 7, 2003, performing final sign-off on Project No. 1002337, Case Nos. 02DRB-01708 and 02DRB-01710 while an administrative appeal of this project is pending.

Dear Chairman Jesionowski,

Our office represents PruWinrock LLC ("PruWinrock"), the owner of Winrock Shopping Center ("Winrock"). This letter is in response to the letter you received from John Myers dated January 9, 2003 regarding the above-referenced appeal. The point of the above-referenced appeal is that the Development Review Board ("DRB") should not have taken action while an appeal of the approval of that action is pending.

Background. The background of this appeal is familiar to the Commissioners. In short, PruWinrock believes that the DRB never had jurisdiction to approve final sign-off on the above-referenced site plans because (1) those site plans, having been made final by the City Council more than two years earlier, were void pursuant to a provision in the Uptown Sector Development Plan; (2) not all of the EPC's conditions of approval for the site plans had been met; and (3) the DRB's action was never properly noticed. Nevertheless, on November 20, 2002, the DRB approved final sign-off of these site plans. This approval is expressly stated on the final page of the DRB Minutes of the November 20, 2002 meeting[1] and in the DRB Action Sheet for

[1] The Minutes state: "ACTING CHAIR GREEN: . . . No objections from the Board members. Claire, we'll approve the Site Plans application numbers 02DRB-01708 and 02DRB-0710 and delegate final sign off to City Engineer, Transportation and Planning and the signing of the Infrastructure List dated today."

the November 20, 2002 meeting.[2] Despite the fact that PruWinrock appealed the DRB's approval, the DRB did not stay the approved action. Instead, DRB wrongly took the approved action and completed final sign-off on January 7, 2003.

The Scope of this Appeal. In Mr. Myers' letter on behalf of Hunt Uptown II, LLC, ("Hunt"), he correctly asserts that the question presented by PruWinrock's appeal is limited to whether the DRB had jurisdiction to perform final site plan sign-off on January 7, 2003, while an appeal of DRB's approval was pending. PruWinrock's appeal is so limited because, as Hunt also correctly asserts, the Environmental Planning Commission ("EPC") has already heard and denied PruWinrock's appeal of the DRB's approval. As you recall, that hearing took place on January 16, 2003. PruWinrock, not unlike Hunt, has no interest in wasting the City's resources, so there is no sense in rehashing in this appeal the issues already decided by the EPC.

Hunt's Concerns. Given the foregoing, it appears that Hunt's true concern is that related matters and interconnected decisions are proceeding along separate appellate tracks. To allay that concern, PruWinrock is willing to request consolidation of any appeal that may be taken from the EPC's January 16, 2003 decision and any appeal that may be taken from the EPC's decision in the above-referenced appeal. However, the issue of consolidation is a matter to be decided on another day and by a different decision maker.

The Question Before the EPC. The only issue before the EPC at this point in time is whether the DRB retained jurisdiction to perform final sign-off on January 7, 2003 while an appeal was pending. As stated in PruWinrock's Reasons for the Appeal, filed on January 22, 2003, such an action is contrary to the City's Zone Code (see § 14-16-4-4(A)(3)) as well as New Mexico Statutes (see § 3-21-8(B) NMSA 1978: "An appeal shall stay all proceedings in furtherance of the action appealed . . ."). Therefore, PruWinrock respectfully asks the EPC to determine that the DRB was without jurisdiction to perform final sign-off and to set aside the DRB's January 7, 2003 action as null and void.

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: _____
Michelle Henrie

mh

---

[2] The Action Sheet states for Item No. 9: "SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING..."

cc (via hand delivery):

Members of the Environmental Planning Commission:
Alan Schwartz, Vice Chair
Elizabeth Begay
John Briscoe
Larry Chavez
Susan Johnson
Mick McMahan
Bevin Owens
Camilla Serrano
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
Sheran Matson, City of Albuquerque Planning Department
Bob Paulsen, City of Albuquerque Planning Department
John P. Salazar, Esq.
John A. Myers, Esq.

cc (via mail):

Charles E. Miller, Prudential Real Estate Investors
Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
Shelton Weeks, Manager, Prizm Partners
Members of Uptown Neighborhood Associations:
- Bill Sterchi
- Lynn Tabor
- Stephen Verchinski
- Mary Lou Sorenson
- Bob Bruno
- Richard P. Huber
- Julie Jones
- Jeff Paul
- Valorie Vigil
- Mark Trujillo
- Timothy Sanchez-Brown
- Orlando Esparza
- Dorothy Finaldi
- Rick Paul
- Tom Joule
- Richard Peterson
- John Kinney
- Nicholas Wees
- Virginia Emmett
- Ike Eastvold

Randy Sanchez, General Manager, Coronado Center

DRB LEGAL AD FOR THE EPC HEARING 2/13/2003

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
LAND DEVELOPMENT COORDINATION DIVISION

03EPC-00112
Project # 1002337
02DRB-01708 Minor-Site Dev Plan BldPermit/EPC
02DRB-01710 Minor-Site Dev Plan Subd/EPC

Rodey Dickason Sloan Akin & Robb PA, Michelle Henrie, appeals the Development Review Board's Final sign off of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) Bob Paulsen, EPC Case Planner.

DRB MINUTES FROM THE NOVEMBER 20, 2002, DEVELOPMENT REVIEW BOARD MEETING.

9. Project # 1002337
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC
02DRB-01710 Minor-SiteDev Plan Subd/EPC

HERB DENISH AND ASSOCIATES, INC. agent(s) for UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] [Bob Paulsen, EPC Case Planner] (J-19)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Lawrence Kline, Herb Denish & Associates, Inc., P.O. Box 2001, 87103
Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE. 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109

CITY STAFF PRESENT:

Bob Paulsen, Principal Planner

PERSONS SPEAKING IN FAVOR:

Jeffrey Paul, 1000 Grove NE, 87110

PERSONS SPEAKING IN OPPOSITION:

Michelle Henrie, Rodey Law Firm, 201 3rd Street NW, 87103

ACTING CHAIR GREEN: That brings us to Item 9, Project #1002337, Site Development Plan for Subdivision, Site Development Plan for Building Permit. This was deferred from a week ago. Would you state your names and interest in the project for the record.

MR. KLINE: My name is Lawrence Kline, Vice-President of Herbert M. Denish & Associates, P.O. Box 2001, Albuquerque. I'm representing Hunt Uptown II, LLC.

ACTING CHAIR GREEN: One of the main reasons for the deferral was to give you time to revise or withdraw a portion of your site plan, I believe, that's coming to the Environmental Planning Commission. Was that done?

MR. KLINE: Yes sir we did write a letter requesting withdrawal of Tract A, Monroe Junior High School site from our Site Plan for Subdivision application. I think Mr. Paulsen can confirm that it was done.

MR. PAULSEN: That is correct Mr. Chair. We are in receipt of that letter.

ACTING CHAIR GREEN: So we are not addressing conflicting site plans or anything else at this time?

MR. PAULSEN: That is correct.

ACTING CHAIR GREEN: Any other updates?

MR. KLINE: I have a new infrastructure list, really a revised infrastructure list.

ACTING CHAIR GREEN: To address our comments from last week or this week?

MR. KLINE: None to address. The Parks Department, I think we're still good to go there. Mr. Bingham had asked the question of what is this road really named. We polled the jury and jointly decided that we'd like it to be Uptown Loop Road. I think as the Chairman knows, there are pieces of it that various names, but for the purposes of this site plan for subdivision and this project, Uptown Loop Road is good to go we thought. All of our drawings, all of our originals still say Americas Parkway. I assume that we can make an administrative change to those drawings here and take out the Sharpie and change the name.

MR. TOPMILLER: I was offering a suggestion that if we have some site plan changes like that, that are fairly minor, maybe we could do those off the table and delegate it to Planning or whatever.

MR. KLINE: Would you address Traffic Engineering's comments from last week too?

MR. TOPMILLER: The issues at that time were primarily spending time to look at the infrastructure list and make sure the EPC conditions were complied with. We did develop the infrastructure list which has been passed out. The primary changes have to do with all the transportation elements and we spent a good deal of time yesterday on those. I think Nilo was also looking for an original site plan because files were missing that site plan. I understand he got that and we referred to it yesterday as well. I believe all those issues are clear there too.

MR. KLINE: The remaining largest issue I suppose was the fact that the Planning Department had not yet reviewed our letter in response to the conditions of the Planning commission. I believe they have done so at this point and provided the Chairman with a letter responding to each of the conditions.

I'm pleased to note that most of them say that the condition has been satisfied. There are about 4 that we need to work on. We need to add some building elevations, some site lighting locations, put in some benches, take out a couple of signs but nothing, I think, that would warrant another deferral from the Planning Department's point of view. We are here for the administrative function of the final sign off of the site plan for subdivision and the site plan for building permit. We think we have met the conditions of the Planning commission and the various technical agencies. We request approval and delegation to the extent that we can get it.

ACTING CHAIR GREEN: We'll go through the Board for any additional comments. Parks?

MS. SANDOVAL: Parks has no adverse comment.

ACTING CHAIR GREEN: City Engineer?

MR. BINGHAM: With the corrections on the Infrastructure List and the approval of the Conceptual Grading and Drainage Plan dated 10/31/02 I can sign the infrastructure list. I have to take delegation on the site plan for the SIA (Subdivision Improvements Agreement).

ACTING CHAIR GREEN: As far as Utilities, I had one outstanding item which was the Fire Marshal's approval of the site plan showing the location and number of fire hydrants. Has that been done?

MR. KLINE: Yes, right here.

ACTING CHAIR GREEN: We didn't get any copies of it? It's just on the original at this time?

MR. TOPMILLER: We do not have copies of it. It is on the original.

ACTING CHAIR GREEN: I'll wait and see where we stand today. I'll have to take a look at that. That's the only outstanding comment I had. We'll go to Planning?

MS. MATSON: I'm going to defer to Bob Paulsen.

MR. PAULSEN: Mr. Chairman and Board members, as Mr. Kline indicated I've provided and update, sort of a follow-up memo to the memo I provided to the Board last week. Reviewing the submittal in light of the Planning Commission's approval and going through each condition of the Planning Commission and indicating whether I believe there was compliance with that condition or not.

I think Mr. Kline as correctly characterized the submittal as requiring some minor adjustments. Additions and so forth to meet the technical conditions of the EPC's approval.

One thing I did want to highlight for you and it's specified in the memo I provided that's dated the 19th of November, is that two of the conditions on the site development plan for building permit referenced a, and those are Conditions 15 and 21, referenced a now defunct subcommittee of the Environmental Planning Commission. It was the Site Plan Review Committee. That Committee has not been in existence for several years now. In evaluating how to resolve these items speaking with representatives of the legal office and talking with the applicant as well, decided to take those two items to the Planning Commission hearing on December 5, 2002, for their review and direction to our staff as to whether these conditions meet their satisfaction. So, in place of the Site Plan Review Committee, we are taking these two conditions back to the Planning Commission as advertised items at the hearing on December 5, 2002, for their review and again their direction to staff. So while a final sign off cannot be completed until following that December 5, EPC hearing, I certainly have no objection to delegation of either of these site development plans in the meantime. The Planning Commissions review only concerns the site plan for building permit and not the site plan for subdivision.

The site plan for subdivision there are very few conditions related to that imposed by the Planning Commission and there's only one additional change that I'd like to see on that portion of the submittal. Other than that I think it's fine. Again, the site plan for building permit, the final sign off cannot occur until after the December 5 Planning Commission hearing.

ACTING CHAIR GREEN: But you're saying that wouldn't hold up the Site Plan for Subdivision?

MR. PAULSEN: Mr. Chairman I don't believe it would hold that up. Again, I don't believe that the review by the Planning Commission should hold up further review and/or delegation of this matter off the Agenda today. These are two conditions that are very specific to planning and design related matters. I don't think it affects, nor will affect the review of the other agencies.

ACTING CHAIR GREEN: Do we have separate original sets? One separate for Subdivision Site Plan and Building Permit or are they combined?

MR. KLINE: They are a single sheet at this time Mr. Chairman.

ACTING CHAIR GREEN: Anything else from Planning?

MS. MATSON: No.

ACTING CHAIR GREEN: Transportation?

MR. DOURTE: We went through the EPC Conditions apparently there are none that have not been complied with. Everything has been complied with however, with the construction of Americas Parkway or Uptown Loop Road and with other projects that may be pending in this area, I need to have delegation to make sure that this conforms and meets those requirements and those plans.

ACTING CHAIR GREEN: So far we've got City Engineer, Transportation and Planning cannot sign.

MR. BINGHAM: I can delegate the SIA (Subdivision Improvements Agreement).

ACTING CHAIR GREEN: That was your only outstanding item, the SIA (Subdivision Improvements Agreement). Response to any of the Board's comments/requirements?

MR. KLINE: I feel pretty comfortable Mr. Chairman.

ACTING CHAIR GREEN: As far as the sign-in sheet, I have two names and for those people be aware that today we only want to address comments as the Boards only relating to the conditions set by the Environmental Planning Commission. This is not a per se public hearing for testimony on other items. Please keep your comments directed to the Environmental Planning Commission conditions. So first is Jeffery Paul state your name and address for record.

MR. PAUL: My name is Jeffery Paul. I live at 1000 Grove NE. I'm not sure if my comments are really relevant based on what you just said. I'm Vice-President of the Jerry Kline Park Neighborhood Association. I just wanted to comment on some discussions we've had for the project overall. I'm not sure whether this is appropriate or not but it will be very short. So run me out of here if it's not appropriate and I won't feel bad.

ACTING CHAIR GREEN: We can tell you if it's appropriate or not.

MR. PAUL: We had a meeting a couple of weeks ago and both this project as well as the Winrock project were addressed in our general membership meeting. There was no opposition stated from any of our members for this project.

Several years ago I was vice-president of the Mark Twain Neighborhood Association which is adjacent and there was another project being designed at that time. I did a survey of about 80 homes in our area and 80% to 85% agreed that they were in favor of restaurants, small businesses and so on in that area. Both to take care of some aesthetic needs, to get something built on that land, but also to enhance what the planned use is of that area. So our neighborhood association has not had any opposition to this.

Speaking just as a neighbor and having lived in this neighborhood for 11 years, my wife grew up in this neighborhood, we really feel that the planned use and what they are planning to do construction wise as well as the actual use is very complimentary to the area and to the neighborhood rather than contradictory. We fully support this project personally as well.

ACTING CHAIR GREEN: This plan before us is the one that the Environmental Planning Commission heard in 1998. So it's probably the older one you referred to.

MR. PAUL: Yes, there's been several.

ACTING CHAIR GREEN: There are some new Winrock things and other things coming before the Environmental Planning Commission on December 5 that you might want to attend that. That's a public hearing for public comment.

MR. PAUL: Thank you.

ACTING CHAIR GREEN: Michelle Henrie?

MS. HENRIE: Mr. Chairman, Board Members, Michelle Henrie, I'm with the Rodey Law Firm. I have been sending you all those letters. I have some comments on procedure if I can make them as well as conditions, if that's all right with you.

ACTING CHAIR GREEN: Sure.

MS. HENRIE: Just to remind you, you are being asked to approve a project that has sat on the shelf for four (4) years and you are being asked to approve a minor subdivision. I don't think that is appropriate given that we have not even seen a subdivision plat. The application says that it is a Subdivision from 1 to 3 parcels. I can't even figure out which parcels are the three (3) parcels. Is it the big tract and then the 2 smaller tracts and the road is carved out separately or do the parcel lines actually go to the center of the road. I don't know and I think we need to see a subdivision plat before you are asked to approve a site plan for subdivision.

The second point is I don't think it's a minor subdivision. I brought this up briefly in my letter. The first point was the infrastructure. I have not seen the revised infrastructure list that was passed out to you. My understanding is that the infrastructures meant to support the whole project which has at this moment 12 different uses on it. If that project is subdivided at a later time, that's just tract one, that's not a minor subdivision. That's a major subdivision. We're looking at a theatre, a hotel, two restaurants, seven retail uses plus the housing component. I think it's putting the cart before the horse to consider this a minor subdivision given the infrastructure concerns.

The next point I have is I do believe this matter should have been noticed and taken to a hearing. The people who are entitled to notice for a minor site plan amendment according to the Zoning Code are the neighborhood associations and the adjacent property owners. None of which were notified about this hearing. If one of two things happens, and the first is if there might be a person substantially aggrieved by the altered plan. It says might be and I think that's why we argued that this matter should have been noticed in the first place. We think there might be, given that there's been four (4) years since this plan was looked at.

We believe that for any project there's two things that happen. The first is the pre-existing conditions. That might be the terrain, that might be the surrounding neighborhood, all of those conditions are what I call the "X" factor in a development. The "Y" factor is the project that's being proposed. We are seeing changes to the "Y" factor, but I think it's incumbent on this Board to also consider changes to the "X" factor over the last four (4) years before considering this a minor site plan amendment.

My next point is that notice should be given not only if somebody might be substantially aggrieved but if the total building square footage would be increased by more than 2%. I didn't even add this up until this morning, but, let me tell you the old site plan back from 1998 shows a total square footage of 455, 570 square feet. The new site plan shows a total building square footage of 455, 570 square feet, the same number, plus housing. We've got to consider that. The total building square footage when you add the housing, well we don't know what the square footage of the housing is. I couldn't find it anywhere in the plans that were submitted. If that number, according to my calculations, I'm not a good mathematician, but my number is that if you take 455, 570 square feet, 2% of that is 9,111 square feet. If the housing component exceeds that I think, under the Zone Code, this has to be noticed and taken to hearing. It looks like there is going to be 19 units. If those units are less than about 500 square feet per unit they make it. If they do 24 units the number comes down even more. A guesstimate based on the calculations on the housing sheet, it looks to me like the 24 units are around 15,000 square feet. I think that's a number you need to know before you go forward with this project.

Going to the conditions, let me back up to that, one of the conditions, it's number 1B, specified that there must be an agreement between Uptown Spectrum property owner and Winrock. The applicants are taking the position that Winrock is contractually bound to construct the loop road under the existing construction plan. Kevin, you might pop in here, but my understanding and our position, Winrock's position, is that those construction documents, let me back up.

The agreement among Winrock, the state and the City does allow, expressly allows for the realignment of what is known as Street A.

Street A is not the loop road but it is next to the loop road and there will be some relationship between them and trans exit these sorts of things. Until Winrock and the City are able to agree on that realignment of Street A, Winrock is not contractually bound to construct the loop road.

Let me just show you, this is Winrock site plan for their project called The Avenues, that's before the Environmental Planning Commission. In yellow we've indicated the loop road. The orange indicates the Hunt parcel, the rest is the Winrock parcel. You can see that there is a good portion of it that is not under Winrock's control whatsoever. There is a portion of it that feeds into that, that is still being worked out. Part of the Hunt project includes some entrance or exists onto that portion of the loop road. In addition, this intersection is terribly important to Winrock and it's of great concern to us that not be inhibited by the Hunt project if it goes forward.

MR. DOURTE: Did not Winrock sign an agreement that stated that they could construct the Uptown Loop Road. Yes or No.

MS. HENRIE: They signed an agreement Richard, I'll read the provision to you that I'm referring to.

MR. DOURTE: It just says they have to sign an agreement or agree to it. I believe that took place.

MS. HENRIE: There is an agreement signed. The agreement expressly allowed....

MR. DOURTE: The agreement was signed.

MS. HENRIE: The agreement was signed, it was signed. What it says is "if the Street A alignment shown in the attachment to the agreement needs to be adjusted in the future for the benefit of Winrock. The City will reasonably consider modification of the right-of-way alignment and related improvements and Winrock will pay the costs". That's the hold up right now as to why the construction has not been going forward in my understanding. Kevin is more involved in that project then I.

One more thing, I think you're doing exactly the right thing to send the housing issue back to the Environmental Planning Commission. I commend you for that decision. Housing is a terribly important thing. We think it was important to EPC back in October of 1998. They wrote it into the conditions. They rewrote the Sector Plan Amendment that's included in the Sector Plan. We believe that the conditions and sector plan need to be interpreted so that housing is a part of Phase 1. It is concurrent with the expansion of retail. What the Sector Plan Amendment did is it bumped up the retail quotient from 10% to 20% for those uses inside the loop road.

We think that the trade off for having more retail was that housing would go along with it. That's what makes this a sustainable win-win situation. It's really important that housing be a part of Phase 1.

Our big concerns are number one, if you can condition the approval, we would like some reference that the loop road approval, these would be Hunt's, does not affect Winrock's ability to go forward. For example, their site plan does not show this intersection right here that is very important to us because it leads right into the main avenue for Winrock's new project.

Number two, we would ask that the housing component be required for the Phase 1 portion of the project. That's all I have, thank you.

ACTING CHAIR GREEN: I'm confused on the housing component. Is that the hotel or what is the housing component?

MS. HENRIE: Chairman Green, I'm confused on where the housing is going to go to be quite honest. From Mr. Kline's letter it looks likes it's probably going to go on the garage, maybe on the hotel, we're not really sure. It's not been nailed down to my satisfaction. We understand the conditions of the Environmental Planning Commission to be that there is a required housing component. There is a certain number of units that need to be built. In this case, based on the square footage, I believe those were calculated to be 19. The fact that they have to be built where we think, indicates that they need to be built along with the other uses that are going on the property. The retail uses in particular because that was the trade off in the Sector Plan Amendment. Did I answer your question?

ACTING CHAIR GREEN: I think I'll have Bob Paulsen maybe clarify the housing for me or Kevin.

MR. CURRAN: My name is Kevin Curran, I'm the Assistant City Attorney. I'll address a few comments based on the characterization of the road agreement. The road agreement allows modifications to Street A or otherwise known as the Ring Road. It requires the City to reasonably consider those modifications. That has been done by the City and it has been rejected by the City. The City has performed its obligations in that respect under the agreement. Therefore, I would take objection to Ms. Henries characterization of the agreement as there being a problem. The City has complied with the terms of the agreement and the City now expects Prudential , Successor in Interest to the property to perform it's obligations under the agreement by conveying the Street A easement to the City. The provision that Ms. Henrie also read also requires prior to any modifications being made to Street A, to be approved by the Federal Highway Administration and the New Mexico State Highway Department. Those two entities have not approved the modifications as well. That's all I have to say about that.

MS. HENRIE: Can I respond?

ACTING CHAIR GREEN: Okay, let's clear this up.

MS. HENRIE: You can tell why there is a disagreement about this and hopefully it will be worked out because we all would like to see all of these projects go forward.

Kevin I don't know if you've gotten this letter dated November 14, 2002 from the State Highway Department. We understand that the State Highway Department agrees with our understanding of the contract. There is clearly a legal problem here and legal problems tend to slow down the development. In any case that is a live problem.

ACTING CHAIR GREEN: Let's address the housing question.

MR. PAULSEN: Yes, there is a requirement for housing to be part of this plan based on retail square footages and there's been an amendment that was approved that has been added to the Uptown Sector Development Plan. I believe, in fact, the applicant is proposing housing as Ms. Henrie indicated. The plans for that are included in the submittal and in fact elevations of the housing are submitted as part of the packet so I'm not really sure about the nature of the concerns that she has regarding this. Maybe she just needs to clarify that more, we need to look into it. There is housing proposed in the package and I don't believe there are requirements as to phasing of it. Certainly I can look that over and see if there's any tie to it. I believe you don't have the ability to impose additional conditions such as a phasing requirement or a timing requirement going beyond the Environmental Planning Commission as per housing. I would advise you not to take any measures in that regard. If there is any confusing or lack of clarity about the housing I certainly want to have that resolved before this is signed off by the Development Review Board.

MS. HENRIE: I agree Bob there are elevation plans. There are not that I could find and easily interpret square footage indications. That square footage is what might trigger the change in this site plan over 2% of the total building space. If it's over 2% I believe the zone code requires this matter to be noticed and sent to a hearing. Do you need a citation on that, Section 14-16-2-22a(6). That's the real concern is the square footage. I also don't really understand where exactly it's going to go but that's a separate issue.

ACTING CHAIR GREEN: To clarify your initial questions on the public hearing or notification process, my understanding is we've met all those conditions. You keep bringing up that it's not a minor plat and things like that. We've gone through the Environmental Planning Commission hearing and all the infrastructures are tied to the Site Plan not a Plat so Kevin can address that but I think all of our requirements have been already met and no further public hearings or notifications are needed for what's before the Board.

MS. HENRIE: Kevin did you have a comment?

MR. CURRAN: I'm not that familiar with this issue so I'm reluctant to comment on it. If you want to explain it to me in more detail perhaps I can advise you on it.

ACTING CHAIR GREEN: Ms. Henrie I think was implying that our public notification requirements were not being met my our policies or ordinances. Is that correct?

MS. HENRIE: That's correct. In the portion of the Zoning Code called Special Use Zone, which is 14-16-2-22, there is a procedure for amending an approved site development plan which I understand this process to be. There are changes to the site development plan. It's been characterized as an amendment to the site development plan that was approved by the Environmental Planning Commission.

ACTING CHAIR GREEN: I don't believe we're doing an amendment.

MS. HENRIE: Okay.

MR. DOURTE: What is the amendment?

MS. HENRIE: Isn't the amendment adding housing?

MR. DOURTE: I guess Bob Paulsen might be able to answer that question.

MR. PAULSEN: I certainly don't characterize this as an amendment. This is a final sign off and the housing is being included as a requirement, as a condition of the Environmental Planning Commission. As well as a condition for the requirement of the Sector Development Plan, although the Environmental Planning Commission did not see elevations for the housing at the time the site plan came before them, they conditioned that such changes must be included in the Development Review Board submittal to obtain final sign off.

In my understanding and certainly the procedures that we follow on a routine basis this would not qualify as such an amendment that you believe it to be. So I don't think we're in a process of amending a site development plan. This is a final sign off for site development plan for subdivision and for building permit by the Development Review Board. Simply carrying out the conditions of the Environmental Planning Commission's approval. I don't think it meets those requirements that you're suggesting in that regard. There are new components. Those components are mandated by the Planning Commission and I have other comments in my letter or memo if you've seen them, addressing concerns I have in terms of whether or not this project precisely meets what the Environmental Planning Commission approved.

You have to go back and look at some of those things and make sure there is adequate detail and so forth. The Development Review board does not have a choice as to whether or not housing should be included. It's mandated by the Planning Commission. If it's not put in place to the level that it meets the specific percentage requirements, this plan would have to go back to the Environmental Planning Commission and an advertised hearing.

MS. HENRIE: As I understood it there were minor changes to the approved site development plan. Even though the Environmental Planning Commission mandated it the fact that those changes represent more than 2% of the total building square footage of the originally approved plan is enough to require the trigger that it go back to public notification and public hearing. The public has a right to consider those changes. That's what I understand the intent at a minimum of this portion of the zoning code to say. If it's more than 2% it's something that people probably want to know about and have a right to speak to. That's how I understand it Bob and again, it sounds like we have a live issue here.

ACTING CHAIR GREEN: That's further reason you want delegation to go back to the Environmental Planning Commission with some of those other issues that you addressed before right?

MR. PAULSEN: The reason this has to be back to the Environmental Planning Commission is related to the housing issue certainly but I think I understand what Ms. Henrie's interpretation of the code in this regard. Our typical interpretation would not agree with hers or would not be consistent with her interpretation. However, this does have to go back to the Environmental Planning Commission in regards to housing in terms of the design of that housing.

ACTING CHAIR GREEN: Won't that issue or her concerns be brought up at that time?

MR. PAULSEN: Yes, they will be brought up at that time.

ACTING CHAIR GREEN: So I think we've got you covered there.

MS. HENRIE: I'm not sure but it sounds like this will play out however it plays out. Thank you.

ACTING CHAIR GREEN: Any last comments from the agent?

MR. KLINE: I'd like to thank Mr. Paulsen for his comments. I think the Board and the other members of the staff here have done a good job of addressing the questions from the Rodey Law Firm. No comments to make on those. Unless you have some questions for me once again we're here for the ministerial function of the signing off of the site plan for subdivision and building permit as

mandated and consistent with the conditions imposed by the Environmental Planning Commission we request approval and delegation.

MR. DOURTE: I have one minor item to bring up if I may. Lawrence on your site plan they did request, Rodey Law Firm did request that the access point which goes into the Winrock site be removed. If that was removed would that affect the site plan?

MR. KLINE: Someone would have to show me exactly which access point is being discussed?

MR. DOURTE: This is what I understand, this one right here. Is that correct ma'am, you were concerned with? As long as that would not trigger any need for amendment Bob if they just deleted, erased that in there?

MR. KLINE: I consider that question inappropriate. Since day one when this was the Tesch Development known as Uptown Spectrum the land owner, including my client, has taken reliance on the G5 alignment of the sector plan on the construction documents which were derived from the G5 alignment, from the contract which was agreed to by Winrock who filed the original law suit that resulted in the G5 alignment. We will entertain no changes to the contract drawings.

MR. DOURTE: That's fine. Actually this does not affect the agreement anyway. I don't see these as binding, but if you choose not to that's fine.

MR. KLINE: I don't want to discuss what happens on the other side of the road frankly, we just want to see the Loop Road right-of-way granted, roadway easements granted, constructed as the public body all of us have agreed that it should be constructed over the last 15 years.

MR. DOURTE: That's fine.

ACTING CHAIR GREEN: Do any of the Board members have any additional comments?

MR. KLINE: I have one request of the Rodey Law firm if I may? If we're going to talk about moving targets and changing plans I wish they would deliver us a copy of the new site plan submittal that they made to the City on Friday.

ACTING CHAIR GREEN: I don't know what site plan you are referring to? For the Winrock?

MR. KLINE: Yes.

ACTING CHAIR GREEN: I don't want to see that, but I do need to see your Fire Marshal approval. No objections from the Board members. Claire, we'll approve the Site Plans application numbers 02DRB-01708 and 02DRB-01710 and delegate final sign off to City Engineer, Transportation and Planning and the signing of the Infrastructure List dated today.

THE FOLLOWING ACTION WAS TAKEN:

THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING. THE INFRASTRUCTURE LIST DATED 11/20/02 WAS APPROVED.

DEVELOPMENT REVIEW BOARD
ACTION SHEET

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

November 20, 2002 9:00 a.m.

MEMBERS:

Roger Green, Acting DRB Chair
Claire Senova, Administrative Assistant

Richard Dourte, Transportation Development
Brad Bingham, Alternate City Engineer

Sheran Matson, Planning
Christina Sandoval, Parks & Recreation

****

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946 (VOICE) OR TELETYPEWRITER (TTY) 924-3361 - TTY USERS MAY ALSO ACCESS THE VOICE NUMBER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE BOARD SECRETARY MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. **Call to Order: 9:00 A.M.** **Adjourned: 12:12 P.M.**
B. Changes and/or Additions to the Agenda
C. Announcements

Sub

BUSINESS CENTER, ned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**

9. **Project # 1002337**
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC
02DRB-01710 Minor-SiteDev Plan Subd/EPC

HERB DENISH AND ASSOCIATES, INC. agent(s) for UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING. THE INFRASTRUCTURE LIST DATED 11/20/02 WAS APPROVED.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

10. **Project # 1001558**
02DRB-01714 Minor-Prelim&Final Plat Approval

BURTON ENGINEERS INC. agent(s) for CORONADO PARK LTD. request(s) the above action(s) for all or a portion of Tract(s) A, **CORONADO VILLAGE,** zoned SU-2 MUD, located on the northwest corner intersection of I-25 and PASEO DEL NORTE NE containing approximately 58 acre(s). [REF: 01420—01520 (VPE on 11/14/01) (C-17) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO CITY ENGINEER AND TRANSPORTATION DEVELOPMENT.**

EPC MINUTES FROM 1/16/03

CHAIRMAN JESIONOWSKI: The first item on the Agenda is the appeal of the minor site development plan for building permit, minor site development plan for subdivision. Per the Environmental Planning Commission rules the appeal is chaired by the Vice-Chairman. The new Vice-Chairman is Commissioner Schwartz and I will turn the meeting back over to Commissioner Schwartz.

COMMISSIONER SCHWARTZ: So we're clear on the order of presentations and time allowed we'll start again with 15 minutes for the appellant, 20 minutes for the party opponent or opponents, 5 minutes for the Appeal Board or Commission, 5 minutes for City staff if that's necessary and then 5 minutes for the appellant rebuttal. Those time limits do not include any time that's taken in addressing questions from the Commissioners.

It is my intention that this appeal is to be heard on the record. It's been established. If anybody thinks they're going to be introducing any new evidence I'd like to hear about that now. Is there anything like that going to happen?

MS. HENRIE: I have some exhibits and quotations from case law analysis.

COMMISSIONER SCHWARTZ: Do we have any challenges to the ability of any members of the Commission to hear this appeal that anyone wants to enter onto the record? (None) Okay. Then let's begin. Commissioner McMahan?

COMMISSIONER MCMAHAN: Before we proceed I'd like you to query the audience to see if there's any members of the Albuquerque Journal in attendance.

COMMISSIONER SCHWARTZ: Just the Albuquerque Journal? Do we have any members of press? (None that are revealing themselves). Ms. Henrie good morning. You have 15 minutes.

MS. HENRIE: Michele Henrie from the Rodey Law Firm representing PruWinrock who is the appellant in this matter. We have a lot of questions. We have some history issues, we have some legal issues. I'm not going to rehash everything. We had our reasons on an appeal document that I wrote and submitted to you already. I'm sure you've had a chance to see that. I'm going to stick with the big stuff given the time limits and if you have questions about the small stuff that I don't bring up, I'm happy to address those too.

What I have in front of you is the results of me spending a few hours with a few thousand pages of material and trying to trace out the history of what has happened on the Monroe Site. That's what is also in front of you. Let me show you quickly how to read this. On the one side we have the Uptown Spectrum

One Plan. This is simplified. I don't have every single thing in there but I tried to trace out the major actions, the major hearings and the dates.

The Uptown Spectrum Two Plan is really the one we're talking about. That's over on the other side. There were two applications submitted by the applicant at the time. It was the Tesch Group back in 1997 and there's two trains of history laid out. On one hand there's kind of a site development tract that reads down, on the other hand there is the sector plan amendment that reads down. Then I included the court appeal down at the bottom.

Given the complexity of the history of this matter, I found that I was getting confused about the dates, about what was on the table, about what was not on the table, what was being talked about. I thought this was just a way to try to kind of clarify and keep straight the history in the matter.

Turning to some of the legal issues. The big question really is how to interpret this provision in the Uptown Sector Plan. It's Section 3, subsection H 11. It reads " the portion of site development plan showing structures that have not obtained building permits within two years of site plan approval shall be void but may be reapproved following standard procedure."

So the question is what does site plan approval mean? Let's cut to the chase, that's the question. If Hunt revived, reactivated the request for site plan approval before the Development Review Board more than two years after the site plan approval that is referenced in the Uptown Sector Plan it was too late. Those site plans were already void, they were dead, they were expired, they were done. It is our position that those site plans were void and let me explain a little bit more why.

First reason why, is just following the general rule of what a final decision is and you know when we first started this appeal I was thinking that site plan approval probably referred to the Environmental Planning Commission approval back in October of 1998. I now have to retreat from that position. I think what site plan approval means is the final City Council action on that issue which would have been February 17, 1999. Let me clarify that it's different from what I was originally maintaining before you.

What happened back then, as you know, is the site plan for Uptown Spectrum II came up before the Environmental Planning Commission. It was approved before the Environmental Planning Commission along with a recommendation to approve the Sector Plan Amendments. There were two appeals to the site plan amendment. One by Winrock, our client, and one by neighbors. Winrock withdrew it's appeal before City Council heard it. City Council on recommendation from LUPZ, voted to not hear the neighbors appeal. The neighbors then appealed the site plan on up to court.

The Sector Plan amendments had a similar track. Those amendments were appealed by three (3) parties, or more or less appealed by (3) three parties to District Court. Winrock was one, neighbors were one and the neighbors brought a separate appeal on the meaning of the movie theatre. That's kind of a an outline of the history.

The question is, again, what is the final decision. If we turn to the general rule and I'm going to go to statutes here, 393-1.1 which is the provisions for administrative appeals going up to the Court level. That's what I use as a bible in a lot of things and it says "final decision meets and agency ruling that as a practical matter resolves all issues arising from a dispute within the jurisdiction of the agency. Once all administrative remedies available within the agency have been exhausted." I think site plan approval has to mean final decision, the one before City Council. I think that's the general rule, I think it makes sense and I think it also makes sense given that Hunt, the applicant in the matter before you, took the position before the Development Review Board, that approval or Development Review Board's involvement in the site plan review process was simply ministerial. The Development Review Board also said it in their memo to you that they had a non-discretionary function.

It wasn't an approval, it wasn't a decision, it wasn't something that carries the weight of the final decision that City Council made back in 1999. So for those reasons we think that the final decision was the City Council decision, February 17, 1999.

Let me move on to the reasons articulated in John Myers letter of January 9th to you. Why Hunt thinks that the final decision was not the City Council or the ENVIRONMENTAL PLANNING COMMISSION decision.

The first thing they bring up is a reliance issues more or less. John refers to a letter from Vic Chavez that's attached to his letter. It's dated April 12, 2002. In this letter there's a statement that apparently Hunt relied on in choosing to reactive or try to revive those site plans before the Development Review Board. If you have the letter before you, I have copies if you didn't bring it and want to see it. If you turn to page 2 of the letter, the third paragraph on that page says "I would like to empathize that the only plan which can be used to reopen this case is the plan which was before the Development Review Board at their hearing on June 16, 1998". If you skip down to the next paragraph, "be aware that any substantial deviation from this plan will require resubmittal, not to the Development Review Board but back to the Planning Commission". There's a caution to move forward with the plan as is. What's that plan? If you go up to the ray line it's DRB-98-178. I found the site plan and pulled it out of the file. This is DRB-98-178, it's the Development Review Board submittal, June of 1998. We have retail, a couple parking garages, restaurants, a couple hotels and an office building. This is not what came before the Development Review Board.

This is not what came before the Development Review Board in November and December of last year.

What came before the Development Review Board was not the subject of that letter from Vic Chavez. That was the Spectrum 1 Plan, DRB-97-178, what came before the Development Review Board was a revival of the Uptown Spectrum 2 Plan. We have a theatre up here, it shows the office building, the hotels are consolidated to one, the retail similar, restaurants stay the same. So we cannot be relying on that letter from Vic Chavez. The reliance issue is misplaced, it's confusing. I admit that the history is confusing, the reliance is misplaced. We move on.

The next issue that I wanted to bring up is the question of the stay. There is the contention that because the matter was appealed, because there was court appeals involved, somehow there was a stay on the approvals that were made. Going back to the history again, remember the Tesch Group put forward two applicants at the same time. One for site plans and one for sector plan amendments. Those wound their way to the court process and there were appeals.

The general rule, John can you pull up those two charts in front, I pulled out the case law on this. The general rule is that within the administrative setting a stay is in effect. In other words, if there is an appeal from the Development Review Board to the Environmental Planning Commission, then from the Environmental Planning Commission up to City Council, there is a stay and the decision appealed has been stayed. Once you get up to the court level the stay is not automatic. What I have here on the bottom is from Rule 74, the top is a quote from the New Mexico Supreme Court. Rule 74 which governs administrative rules says specifically, subparagraph S, "if you're going to have a decision that's being appealed stayed" number one, you've got to ask for it and number two, you probably have to post a bond. Nobody, nobody asked for a stay in the site plan appeal process. The New Mexico Supreme Court also says "an appeal alone does not prevent enforcement of the judgment". In other words, the matter was not stayed. The only reason that the Tesch Group did not move forward with the building permit process is because they decided not to. We didn't hold them up. The neighbors didn't hold them up. Nobody held them up. The Tesch Group decided to submit applications simultaneously. The Sector Plan Amendment applications at the same time as the site plan. They took the risk that those things might be appealed. They could have built and they chose not to. Winrock is not responsible for that. The neighbors are not responsible for that. That was a business decision.

Moving on to the fairness issue. I've just talked about some of that, Winrock did not make the decision to submit those applications at the same time. They did not make the decision to consolidate the appeals and further entwine them. The Tesch Group did that. It's too late, I think, for Hunt to say that those appeals

somehow caused them to not move forward. Commissioners, just to wrap up this threat of the legal issues, we find no reason to deviate from the general rules, that a final decision is going to be a City Council action, that appeals do not cause a stay of a decision, that for those reasons and the reasons I've said the site plan approval referenced in the Uptown Sector Plan would have been the City Council decision in February of 1999. In other words, the two-year clock would have expired, would have caused those site plans to die, to terminate, would have been February of 2001, which was before Hunt even acquired the Monroe Site.

I want to move on quickly to the notice issue, John can you put the big thing up there. The notice issue is confusing and most of what I understand from what I read from the Development Review Board memo and from John Myers letter is that we erred in relying on a provision that shows up in the SU-1 section of the Zone Code. As you know, there's an SU-1 section, an SU-2 section, an SU-3 section. You have to go way in the back there's a whole different group. There are procedural things that I think have general applicability. The general provision is up on top, it's 14-16-3-11. The name of the section is Site Plan Approval requirements. One of the provisions in that subsection, C2C says "a major amendment of a site development plan is an amendment adopted by the Planning Commission", which is not a minor amendment. It references specifically this SU-1 provision as a definition of what minor amendment is. This is why we thought the SU-1 provision had a broader applicability then just an SU-1 zone because the property is indeed zoned SU-3. That's what we were relying on in our notice issue and you can see if you read the long paragraph there that the notice is not just to Winrock. We did get notice, we monitor the agenda, it's also to the neighborhood associations if, there might be a person substantially aggrieved by the altered plan, or if the total building square footage would have been increased by more than 2%, which we think is the case given the housing component.

That was really all of my presentation. I did want to try to answer your questions about some of the more specific things we also took the position that some of the specific conditions of approval that the EPC made back in 1998 were not met. I can talk about those but I think the letters kind of clarified all of that. Thank you.

COMMISSIONER SCHWARTZ: Commissioner Owen?

COMMISSIONER OWEN: Ms. Henrie, the provisions regarding appeal and posting a bond have me a little confused I think. Wasn't it Winrock that appealed on the Uptown Spectrum 2?

MS. HENRIE: On the Uptown Spectrum 2 sector plan amendments, not the site plan, but the sector plan, Winrock was one of the appellants and so if Winrock would have wanted the sector plan amendments to not go forward, I'm not sure if this is the same thing. Going back to the site plans, Winrock was not an

appellant, the appellant or if Winrock maybe wanted to enter the appeal as an interested party or something on the site plan issue, it would have had to request that the court issue a stay and it probably would have had to post a bond. That is my understanding.

COMMISSIONER OWEN: So now you're saying that Hunt should have posted a bond to stay implementation?

MS. HENRIE: I'm sorry, I'm being confusing. Back when the court appeals took place, or any point along the line while the court appeals were active, the decision appealed from, so in the site plan appeal process or arguably after all the appeals were consolidated, any of the appellants I suppose, if anybody wanted the site plan approval to not stand, in other words, to stop it or to suspend that approval, they had to ask the court to do that. They probably would have had to post a bond to get the court to do that. Absent that, if they don't do that, that approval is good, that EPC and City Council affirmation of the EPC approval of those site plans for Uptown Spectrum 2, those were good. It wasn't because of the appeal that those plans were not good. They were good. The only way to keep them from being good and valid and right....

COMMISSIONER OWEN: And to stop the clock ticking...

MS. HENRIE: Is to ask for a stay, exactly.

COMMISSIONER OWEN: The day Hunt had been sued?

MS. HENRIE: The Tesch Group was the owner at the time and actually the administrative appeals are, you don't sue the landowner, you sue the City more or less. My recollection is that the Tesch Group was involved as an interested party. None of that prevented them from moving forward with the site plan process, to go to DRB to ask for building permit and to build realizing the risk that the sector plan amendment might have been overturned or the site plan approval, I keep saying site plan amendment, it's the site plan approval may not have stood the court process. It would have been a gamble but they would have won had they gambled we now know. Did I answer your question?

COMMISSIONER OWEN: Yes, I'm just trying to differentiate between when the clock starts ticking on whose behalf and who has the right to stop it. It seems like something going on and then other folks intervene that might, those folks, Winrock specifically, would have had to post the bond to stop the clock.

MS. HENRIE: Winrock had to, yes. It didn't so the clock continued to click. Yes, that's our position.

COMMISSIONER SCHWARTZ: Your firm has represented Winrock throughout this entire time frame that we're speaking of, though you personally may not have been involved?

MS. HENRIE: That is correct.

COMMISSIONER SCHWARTZ: Speaking simply as a representative of your firm, it's your testimony that at no time was there ever a request for but characterize it as injunctive relief or an injunction on the Tesch Group or their successors in interest that would have precluded them from proceeding.

MS. HENRIE: Yes.

COMMISSIONER SCHWARTZ: And likewise there was nothing served on the City or the Planning Department or the Development Review Board or the Planning Commission in terms of an injunction or any other kind of court order that would have precluded.

MS. HENRIE: Correct, yes.

COMMISSIONER SCHWARTZ: Commissioner Jesionowski?

COMMISSIONER JESIONOWSKI: I'm fine.

COMMISSIONER SCHWARTZ: Do we have any other questions? Thank you. Now we have 20 minutes for the party opponent.

MR. MYERS: My name is John Myers, my address is 1401 Central Ave NW. I'm here on behalf of Hunt Uptown 2 the owner of the Monroe site the subject of this appeal.

Most of the appellants discussion focused on the two-year Sunset Clause and let me first address that. I think that the factual history, the brief factual history is fairly clear. The approval was originally granted for 3 things that happened back in October 1998. The Planning Commission recommended some changes to the Uptown Sector development Plan, the Planning Commission approved a site plan for building purposes and a site plan for subdivision for the Monroe site.

The Site Plan for subdivision and the Site Plan for building permit there character was dependent upon the amendments to the sector plan. That is one of the amendments, that the sector plan was to allow 20% retail versus 10% retail and also to allow a larger building, a 26,000 foot building versus a 20, 000 foot building. The sector plan amendments and the site plans were all tied together. The City Council had to approve the sector plan amendments so that action went up to the City Council. The site plans were appealed to the City Council. In February of 1999 the City Council took final action on all three of those approving

the amendments and upholding the Planning Commissions decision on the site plans.

As has been indicated, there were appeals taken by Winrock and by the neighbors. These cases were consolidated on appeal and they were eventually resolved, upholding the City's actions finally in mid-March of 2001.

Hunt came along and acquired this property from APS after the Tesch Group had fallen out of contract and brought the site plan back to the City and sought Development Review Board approval of the site plan.

The Site Plan when approved by the Planning Commission had numerous conditions attached to it. I believe there were 21 conditions attached to the approval and many of those conditions had sub-conditions, so there were a lot of matters that needed to be addressed before we could receive final sign off on that site plan by the Development Review Board. Until we had final sign off by the Development Review Board the site plan that was approved by the Planning Commission and upheld through the court proceedings really had no legal effect. That is we couldn't use it, we couldn't get a building permit. Those site plans became final documents upon which we could rely and put to use only after we had satisfied all those conditions and the satisfaction of those conditions had been acknowledged by the City's Development Review Board.

A lot of those conditions were substantial. They included making provision for infrastructure that was associated with the development of that site plan during this Development Review Board process. The Hunt Group has contractually agreed with the City to construct the infrastructure necessary to serve this development. They've posted financial guarantees to the tune of about three quarters of a million dollars. So a lot of work needs to be done in order to perfect your actions when you approve a picture before you on a site plan.

The question regarding the Sunset Clause is I certainly agree that there's a provision in the Uptown Plan that says you have to get building permits issued within two years of site plan approval, with a provision for six-month extension. The question is when does site plan approval occur. We talked about this a little bit last time we were here and maybe I'll talk about it again because I think it's important. The City Attorney ahs issued their opinion and their opinion is contrary to the opinion of the appellants and it's really contrary to my opinion as well. I believe that site plan approval occurs when the Development Review Board signs off on the site plan. The reason I say that is because, and just as I've said, until we have a site plan that has all the signatures of the City staff on it, it's not worth anything. You can't do anything with it, you can't get a building permit, it's not a final document, it's not a final approval. You hear your cases today and you act on a lot of things and people can't run over there and take those to the bank. They've got a lot of work to do to perfect that approval.

In this case, Michelle quotes to you a provision out of the State law and I might not get it verbatim but it was something to the affect that she says 'the state law tells you what a final decision is and it tells you that the final decision was when you, the Environmental Planning Commission acted, not when the Development Review Board gave it's final sign off'. The quote she read was something to the effect 'is that a final decision is one that resolves all the issues before the administrative body' something to that effect. So she's saying according to that statute all the issues before the City were resolved when the Planning Commission made it's decision in 1998. I would say they're very appeal of the Development Review Board action tells you that they think that all the matters have not been resolved before the City. They file an appeal and say that the Development Review Board took actions and they made mistakes. That there are still arguable issues about the action that the City has taken. I agree that there are issues. I suppose the Planning Commission can say that we think you ought to plant 10 trees and we get a final sign off and they only have 5 trees. So somebody says well wait a minute all the issues weren't resolved until the Development Review Board took their final action.

We believe that the two-year clock starts ticking when the Development Review Board signs off because that's when we really have something. That's when we have a final action of the City that gives us a right to proceed to put that plan to use.

The City Attorney does not agree with that. The City Attorney says that he thinks that the clock starts ticking when the Environmental Planning Commission acts but he says, I believe that any period of time when that decision is under appeal, we've got to take that time out of the clock. So we say that the clock starts ticking when there's been a final action by the Environmental Planning Commission and all of the appeals have been resolved. In that case, that date is mid-March, I think March 14 of the year 2001. So under the City Attorney's opinion that two clock has not run. The appellants say no, the City Attorney is wrong. The City Attorney is wrong because as soon as the City Council took it's final action, Hunt could have, or Tesch at the time, could have gone ahead and build a 20 story office building, or a movie theatre, or a high-rise residential structure and the fact that the appeal was pending didn't matter. They had the right to proceed. Sure it's a business decision and it's a risk, but so what, they had the legal right to do it.

I've seen appeals of City decisions over 25 years and I have never once seen the appealing party ask the court to stay the proceedings. That is I've never seen the appealing party say, Judge I want to post a bond and I want you to stop them from building because the very fact that you have an appeal pending is, excuse my Latin, a defacto stay of proceeding, because no one is going to build millions of dollars worth of structures where an appeal is pending that may set aside a sector development plan that says that site plan you can't build. Where the site plan is under appeal and the court may say you can't build that site plan. You

say, fine it was a great business risk and we know the courts are predictable, we can go ahead and spend 10 million dollars and if we're wrong we'll tear it down. That is not a reasonable position and the City Attorney of course recognizes that. To say that you can be at risk in the Courthouse for over two years and if you don't want to gamble and build millions of dollars worth of structures you loose your right and you start all over again. Then what happens when you start all over again. You start all over again and someone files an appeal an you're in the Courthouse for two years and you don't build millions of dollars worth of buildings because you can't afford to take that risk. Then guess what, two-years has gone by and you've lost your right and you start all over again. It doesn't make any sense.

On the notice argument of course what the appellants are saying that is some failure of notice. We can talk about referencing the wrong statutes and this and that, but probably the simplest place to start is to say when you're present at a meeting because you know about the meeting and you have an opportunity to be heard at the meeting, the courts have said you don't have anything to squawk about not getting notice, because the only reason we have notice is so you have an opportunity to be heard. When you have that opportunity to be heard and you are heard well then you can't complain that you didn't know about it, you didn't get any notice because you didn't know about it, or you knew about it but you didn't get any notice. What difference does it make.

That sort of practical issue aside as we indicate in my letter to the Commission of January 9th the reference that is made is in the SU-1 zoning provision and even if that applied it talks about amendments to an approved site plan. Well, this wasn't an amendment to an approved site plan, this was the perfection of the original site plan. The Planning Commission approved a site plan it said do this, this and this. We do this, this and this and take it to the Development Review Board. The Development Review Board signs off on it and we have a perfected or plan that you've approved. We're not coming back and saying okay we've perfected a plan that you've approved now we want to amend it. The provisions that Michelle refers to are provisions relating to amendments to approved site plans.

As I have said, the substantive issues relating to this site plan have been appealed once by Winrock. They've gone through the whole appeal process. The City Council and the courts have upheld the substance of the site plan which had been approved. The issues that are before you today are, I think limited to some kind of issues that weren't resolved during those proceedings and we don't think there are any that have merit and we would ask that the Commission uphold the Development Review Board's decision.

COMMISSIONER SCHWARTZ: Okay, Mr. Myers, I'm not sure if I understood correctly what you were saying.

MR. MYERS: Oh my God, okay.

COMMISSIONER SCHWARTZ: You are aware that there is a general provision regarding termination of site plans, seven years?

MR. MYERS: Yes.

COMMISSIONER SCHWARTZ: And there's a provision for five-year renewals?

MR. MYERS: Yes.

COMMISSIONER SCHWARTZ: I think the number of renewals is unlimited. Are you saying that if I come here and appear before the Planning Commission and they'd give me a site plan approval that I can stick it in my back pocket and I can walk out of here for 20 years as long as and until such time as I bring it back to the Development Review Board to sign off that seven year termination limit has no affect because I never had it signed off by the Development Review Board?

MR. MYERS: I'm generally familiar with that provision of the Zoning Code. David Suffling has just given me a copy of it. I don't know that this would be the same interpretation as to when it's final but I don't know.

COMMISSIONER SCHWARTZ: Okay, let me ask you this, in your letter of January 9th, it's page 3 of your letter and page 44 of the record, and under the agent says the appeal was premature, you cite Mills versus New Mexico State Board of Psychologists Examiners, "courts may not review actions of administrative actions until those actions are final". How did the court accept the appeal if the City Council wasn't a final action?

MR. MYERS: Well I suspect that issue wasn't raised in that proceeding. I wasn't a party to that proceeding, but of course, as the Vice-Chair knows, courts only respond to what the parties raise.

COMMISSIONER SCHWARTZ: The last point your comments about in your experience regarding appeals and stays, we had another controversial case come through here.

MR. MYERS: I'm familiar with that.

COMMISSIONER SCHWARTZ: We had the attorneys for the party opponents stand right here and argue that they filed an appeal to the court, they appealed a City Council action, therefore we had no jurisdiction. In some cases those were items that were being heard here originally and in some cases we were hearing appeals of the Development Review Board , where the Development Review Board had acted under the same complaint. The Development Review Board acted, we acted and the advise that we got at that time from the representative of

the City Attorney was that the rule on appeals applies only to actions within the City. The Zoning Code provision on appeals does not preclude City action when the appeal is taken outside of the City. Do you have any comment on that?

MR. MYERS: Say that again.

COMMISSIONER SCHWARTZ: The interpretation of the rule on appeals, as far as staying actions by City departments was that when the appeal is within the City, in other words, if there's an appeal from the Development Review Board to the Environmental Planning Commission, then the Development Review Board couldn't take any further action. If there's an appeal from the Environmental Planning Commission to the City Council, the Environmental Planning Commission or the Development Review Board, the Planning Director, they are all precluded from acting. But once the City Council acts, if there's an appeal of the City Council action, the City departments are no longer precluded from acting. That's what we were told and that's one of the basis that we proceeded to act on that other case.

MR. MYERS: Right. I apologize for being dense but you lost me as to how that relates to what's before you today.

COMMISSIONER SCHWARTZ: Well the argument that somehow it's a foregone conclusion that when an appeal is made to court that everything in the City has to stop. That there's a tolling.

MR. MYERS: What I'm saying is that there is, in fact, no reasonable business person would proceed to act on those approvals when they're at risk. I do not disagree with the sort of bare legal assertion that you have the legal right to proceed, absent a stay.

COMMISSIONER SCHWARTZ: But if no reasonable business person would act, and I can understand that, that's a decision made by that business person. They take the risk of that decision.

MR. MYERS: I think that's fair to say. To construe, to say that because they made that decision we're going to interpret our rules which would prevent anything from ever happening is an absurd result.

COMMISSIONER SCHWARTZ: It just seems to me that there's a process, if the applicant comes in a pulls a building permit and the opponent wants to be protected, the opponent can apply for injunctive relief.

MR. MYERS: Right. There is no reason for those appellants to ask for injunctive relief because there's no risk that those structures are going to be constructed.

COMMISSIONER SCHWARTZ: How did Westbluff get built? That was built while the whole case was in court. I wouldn't say it's never happened let me put it that way.

MR. MYERS: I was provided with a suggestion and that is without Development Review Board sign off one can't get a building permit. Admittedly one could proceed to seek Development Review Board sign off during the pendency of that appeal.

COMMISSIONER SCHWARTZ: Right, I grant you it can't just start building without completing the process.

MR. MYERS: Let me say this, although I make my argument as to what I believe a reasonable interpretation of that two-year provision is, I can fall back to accepting the City Attorney's position which still puts us within our two-year window. I think my interpretation is a more logical one.

COMMISSIONER SCHWARTZ: Okay. Any other questions of Mr. Myers? None. Thank you. Now we will hear from the appeal board/commission, that would be the Development Review Board?

MS. MATSON: I'm Sheran Matson, I'm the Planning representative from the Development Review Board. I've been there for about two months so I'm sort of the rookie. What I'd like to do is give you a very short presentation on what we felt our job was in this particular case.

On November 20th of 2002 the Development Review Board performed an Administrative non-discretionary function by first of all, making sure the Development Review Board submittal was the same as the Site Plan submitted to the Environmental Planning Commission in October of 1998, with any adjustments necessary to fulfill the Environmental Planning Commission conditions. Second, making sure the applicant's submittal to the Development Review Board met all of the conditions imposed by the Environmental Planning Commission in October of 1998. Then finally, performing the final sign off once all those conditions were met. We did do the final sign off on January 7th, I believe, so that's our side of it.

COMMISSIONER SCHWARTZ: Questions? Commissioner Jesionowski?

COMMISSIONER JESIONOWSKI: Ms. Matson when you reviewed this application did you consult with the City Attorney's office to see whether or not you had jurisdiction over this at the time?

MS. MATSON: I would have to defer to Mr. Paulson on that since this was an Environmental Planning Commission signed off site plan. Mr. Paulson and some

of the case planners up there actually performed most of the review and just sort of told us what we needed to do.

COMMISSIONER JESIONOWSKI: I'd like to hear from Mr. Paulson.

MR. PAULSON: Bob Paulson with the Planning Department. In response to Commissioner Jesionowski's question of Ms. Matson, our office consulted with the City Attorney's office and specially the Development Review Board attorney as well as Mr. Suffling who represents the Planning Department in Environmental Planning Commission functions regarding the jurisdiction issue. I think there opinion and advise was that the Development Review Board did have jurisdiction on this matter. Essentially, I really think that either Mr. Curran or Mr. Suffling should speak to this matter.

COMMISSIONER JESIONOWSKI: Thank you. I'd like to hear from either one of them or both.

MR. SUFFLING: I did speak to Mr. Paulson and perhaps others. Maybe you could refresh my memory as to what possible reason there would be that the Development Review Board would not have jurisdiction other then this two-year thing.

COMMISSIONER SCHWARTZ: I think the Development Review Board would not have jurisdiction because the underlying site plan had automatically terminated according to the provisions of the Upton Sector Development Plan.

MR. SUFFLING: I'll have to go back and restate the opinion I think I gave at least in part, here. I think that was December 5, 2002, when you were listening to two conditions that had never gone to the Environmental Planning Commission site plan committee, because it doesn't exist anymore.

My legal opinion is almost the same, but not quite, what it was then. I listened to Michelle Henri's argument and a number of the citations to the statute and to Rule 74 and to the Zoning Code, I thought were correct. My legal opinion is that first question is when is the final decision that starts the two-year clock running. I think Ms. Henrie's opinion is that it's when the case ends, the administrative process ends at the City Council level which would have been February of 1999.

My opinion is that I believe that's true. I believe that the final administrative decision starts the two-year clock to run. However, there is a second question. Does anything happen to stop the clock? I believe that when someone appeals the decision of the Environmental Planning Commission and the City Council in District Court that stops the clock. It tolls the two-year clock. There are a number of reasons. I think Mr. Myers has given those reasons and I agree with most of those reasons. Then there are a couple of other reasons that I think the clock stops. There is a provision in Statute 39-3-1.1 and Rule 74 that says that

when you get to District Court there's no automatic stay. After the Administrative process is over there is no automatic stay. If someone wants a stay they have to ask the court for it. It doesn't make any sense for the Tesch Group to ask for a stay. They can have a stay by not going forward. Why would they ask the court to stop themselves. It doesn't make any sense. They don't want to start building because they don't know what's going to be the outcome of the court case so they don't start building. They have often times, I think probably nearly 100% of the time they have financial guarantees and those are in jeopardy when you are in litigation. I think the banks and financial institutions don't want to spend money building a mult-million dollar project when it is in litigation.

I think that idea about a "defacto stay" makes all the sense in the world. I think that it's form over substance to stay that the Tesch Group should have asked the court to stay themselves. Of course it doesn't make any sense that they'd have to put up a bond to stay themselves.

COMMISSIONER SCHWARTZ: I have to interrupt you. Wouldn't it be the Winrock people that would be asking for the stay? That would be asking for the injunction to put up the bond?

MR. SUFFLING: I think so Commissioner Schwartz. If they didn't want the project to go forward they would ask for the stay. I don't see that as particularly important here. I think when you have a sector plan, and I think it's very important to remember whether somebody appealed the site plan only or the sector plan only, that's not relevant in this particular case, because the site plan is bound up with the sector plan. So you don't have to appeal the site plan if you appealed only the sector plan you win then the site plan falls because it's dependent on the sector plan. That's a little side issue but I don't want the Commission to get bogged down in looking at who were the parties that appealed the site plan, who were the parties that appealed the sector plan. I think it doesn't make any difference in this case.

I previously gave an opinion that I thought that the two-year period started to run on a site plan when the Environmental Planning Commission made its final decision. I heard the arguments on both sides about how the Development Review Board hadn't made a decision yet so that was something that could be appealed. I would change my opinion slightly in view of that section that you mentioned, Commissioner Schwartz, I think it's 14-16-3-11CA, the seven-year limitation on site plans. I previously thought that if the two-year period did not start running until the Development Review Board signoff that wouldn't make any sense, because as you said, you could go to the Environmental Planning Commission, get an approval from the Environmental Planning Commission, stick that in your pocket and wait 20 years before you go to the Development Review Board. I thought that would lead to an absurd result and that influenced my legal opinion. I thought that doesn't make any sense that you could wait any period of time you wanted before you went to the Development Review Board

and got final sign off. Where I changed my opinion is because that section of the site plan approval in the Zone Code, the seven-year limitation, that saves that. You asked Mr. Myers that question and he didn't respond to that, but I think that makes sense. I think that fits his argument really. You can't get Environmental Planning Commission approval, stick it in your pocket and wait 20 years, but you could wait 7 years. So I think that makes sense. So my opinion is that when there is litigation like in this particular case, I think the two-year period is tolled. I think that I stand by my opinion that the final decision by the Environmental Planning Commission on a site plan is when the clock starts to run, but I still believe that it's tolled when there's litigation.

COMMISSIONER SCHWARTZ: Would you modify it, if the Environmental Planning Commission decision is appealed to the City Council does that not make the final decision when the City Council acts?

MR. SUFFLING: That's right. That would move it forward. So Environmental Planning Commission doesn't have to recommend site plan, it's final if no one appeals. It's final, I guess the answer is, 15 days after the Environmental Planning Commission decision. So the Environmental Planning Commission decision is the final decision and 15-days after. In this case, there was an appeal so the final administrative decision didn't happen until February of 1999. That's just my opinion that when people litigate there's a "defacto stay". It just seems like form over substance I think.

COMMISSIONER SCHWARTZ: I don't know where to find that rule. I don't know how broad to make it. For example, if a person held a site plan, was subject to a divorce proceeding where the assets were being put into play and thought if I come out in a bad way on this divorce, I'm not going to have any assets so I can't do this project so I'm entitled to a "defacto stay". I mean, would that work?

MR. SUFFLING: I think the divorce proceeding is so extraneous to the planning process that I wouldn't look at that kind of situation. I just think something like that is too extraneous to the planning process. I don't think I'm as clear today as I was before. One thing that kind of struck me and nobody's mentioned it, on the merits of this site plan, the Tesch site plan, what's the prejudice to anyone by this new group going forward? I haven't heard anybody say that this site plan that was finally approved in 1999 by the City Council was so far in the past and there's so many things that have happened since them that there would be harm to anybody. I'm puzzled by that. It's like an appeal for the sake of appeal. What's the harm? Is the sky going to fall because of this?

COMMISSIONER SCHWARTZ: I don't know, that is kind of a slippery slope. I happened to be at the Council meeting on Monday and one Councilor expressed the view that well no one was opposing this so what's the difference. So it was like forget the merits. No one is opposing it so we should just grant it.

MR. SUFFLING: I appreciate that comment Commissioner Schwartz. I think there are situations where it should not matter because no one opposes something if it violates and ordinance or statute it violates it. It's not necessary for someone to come and oppose it. Although there are other cases when there is not any opposition there's no harm.
COMMISSIONER SCHWARTZ: Commissioner Jesionowski?

COMMISSIONER JESIONOWSKI: Mr. Suffling, what happened in this case is that Hunt successor interest Tesch made the application to the Development Review Board for the site development plan approval and the site development plan for building permit and someone from the Development Review Board contacted Planning, someone from Planning then contacted your office and got a legal interpretation from your office, either Mr. Curran or yourself that they did, in fact, have jurisdiction over this because of your interpretation. Is that correct?

MR. SUFFLING: I can't remember if it's because of a direct question to me lately or if it was because of my opinion that I gave here December 5. I don't guess it makes any difference since my opinion is about the same. I feel like they could hear it and I don't think there's any harm to anybody by them hearing it and taking whatever action, that's appealed. I'm sure the appeal will go forward from here by one side or the other.

COMMISSIONER JESIONOWSKI: Okay. Thank you.

COMMISSIONER SCHWARTZ: Mr. Curran?

MR. CURRAN: My name is Kevin Curran. I am the Counsel to the Development Review Board. I have just a few brief comments and I'd like to state that I concur with Mr. Suffling's opinion. I think in this case generally we should not allow the two-year Sunset Clause to trump principals of equity and fairness. In this case we have a developer who's trying to process his development through the normal process. If we were to allow the two-year Sunset Clause to trump that procedure it could lead to absurd results people could just file lawsuit after lawsuit which would trump the process in affect. Another thing I'd like to mention, the Zoning Code states that once an appeal is filed the City is generally precluded from issuing building permits. That's under Section 14-16-4-4 subparagraph B4. So, in effect, there is a general rule that, if you would, prescribing for the City a State procedure.

COMMISSIONER SCHWARTZ: Mr. Curran are you saying that with that rule if an appeal was filed outside the City, that rule precludes?

MR. CURRAN: I think it can be interpreted that broadly.

COMMISSIONER SCHWARTZ: Who knows how it can be interpreted. Do we have to have Mr. White come down here and tell us how it can be interpreted. I hear a different interpretation of this rule every time it's been raised. I'm tired of hearing it.

MR. CURRAN: With all due respect the ultimate authority are the courts on that and until that particular clause gets litigated, we can't, I can't give you a definitive answer.

COMMISSIONER SCHWARTZ: That's fair enough. Okay. I don't know that we have any need to hear from City staff per se. Mr. Paulson did you have something you wanted to say from the point of view of City staff?

MR. PAULSON: There was nothing more that I had to say other than our office is in agreement with the Development Review Board staff report that was prepared for this hearing. That's it for me.

COMMISSIONER SCHWARTZ: Ms. Henrie rebuttal?

MS. HENRIE: I would like to start by saying if the law is harsh, I'm sorry, I'm just telling you what it is and I've showed you what it is and I've told you my understanding of what it is. It seems that we have some agreement that the final decision was the City Council action. The question is the effect of the litigation is my understanding of what's before you right now.

I have showed you the general rule as that the effect of the litigation is to not stay the proceedings. If that is a harsh business decision I think that I as an attorney in the future am going to be advising my clients if they want a sector plan amendment don't submit it at the same time as your site plan request because it's just going to muck up the process. I'm sorry if the reality is harsh. I'm sorry if the business decision is harsh. Maybe we need to change that provision in the sector plan. The sector plan does allow an out if the decision is too harsh. I wanted to get this on record. Section 3, subsection H11, the same one that references the two-year void provision also says "the Planning Director may give one six-month extension to each two-year approval". Did Tesch ever ask for a six-month extension? Not to my knowledge. They had an option, they had an out, they had a way to keep the process alive. They didn't use it. If it's a harsh decision I'm sorry that it's forced upon you but I think that's what the law says and I think that's what is the reasonable interpretation and the correct policy decision moving forward. Any other questions?

COMMISSIONER JESIONOWSKI: Ms. Henrie would you construe your client to be a competitor to Hunt?

MS. HENRIE: Yes.

COMMISSIONER JESIONOWSKI: Would you see your client to have a financial advantage by granting this appeal?

MS. HENRIE: I'm going to respectfully decline to answer that because we are an adjacent property owner. We do have some concerns about the affect of this and I don't want to go into the harm and the merits because as John Myers mentioned that has been litigated. We are an adjacent property owner for purposes of this appeal.

COMMISSIONER SCHWARTZ: Commissioner McMahan?

COMMISSIONER MCMAHAN: Ms. Henrie could you explain to me in terms that I might be able to understand what the reason for the appeal is? I have the comments here but I don't really understand the reason for the appeal. Is this because you and your client want to do a good public service?

MS. HENRIE: I'm going to answer from a personal perspective and I was involved in the Development Review Board process. I was at the hearing and I probably drove Chairman Green crazy but they did a good job trying to address my concerns. There's a lot of unfairness going on. I'm speaking personally now if I can instead of as a representative of my client. This came out at the last minute. Boom-boom. This changed everything that we had been told since last summer was going to be happening in Uptown. I think the reasonable thing to do would have been to notice it and let the neighborhoods know that this was going to be on the table again. Everybody thought it was dead and gone. I think that there's a lot of fairness issues motivating this appeal. I don't know if that answers your question but it is a burning, driving force in why I'm spending a lot of time on it.

COMMISSIONER MCMAHAN: That's a fair answer. Thank you.

COMMISSIONER SCHWARTZ: Thank you. That will conclude our presentations. Any discussion?

COMMISSIONER SCHWARTZ CLOSED THE FLOOR FOR DISCUSSION.

COMMISSIONER SCHWARTZ: Commissioner Jesionowski?

COMMISSIONER JESIONOWSKI: This is a tough case. Many times we sit here and we get opinions of two attorneys but in this case we have opinions of three attorneys and we have three different legal interpretations. There's probably more. I'm sure we can come up with more opinions but you know we have one person that says it stops when the City Council renders their decision. We have another person that says it stops when the Development Review Board renders their decision and we have another person that says it stops at a different time. I guess everybody has to make their own interpretation as to when the clock

stops. In my interpretation is that I tend to side with Mr. Myers in that there is a "defacto stay". I'm a developer and I realize the risks. I think Mr. Silverman took an in ordinary risk in moving forward with his project considering what a legal situation it was with Westbluff. I would tend to agree with Mr. Myers that there is a "defacto stay" and the clock stops. I do believe that the Development Review Board had jurisdiction. I don't think the Development Review Board made any errors. I think the Development Review Board took the initiative to realize that there were two questions they could not answer that the Committee wasn't in existence and that they properly came back to the Environmental Planning Commission to ask for guidance on those two issues. We gave them the guidance. They issued their approval and life goes on. I would, at this stage, tend to lean toward denying the appeal based on those circumstances.

COMMISSIONER SCHWARTZ: Commissioner Owens?

COMMISSIONER OWENS: I have to agree with Commissioner Jesionowski I can't buy the proposition that the developer, Hunt in this case, would have had to apply for a stay on their own to toll the two-year period for themselves. I think it was tolled for them by the litigation.

COMMISSIONER SCHWARTZ: Commissioner McMahan?

COMMISSIONER MCMAHAN: The only law I know I learned in watching Perry Mason and Law and Order on TV and a couple of law courses at UNM from an ex-editor of the Baltimore Sun, talking about law of the press. I'm really persuaded by the fairness and equity comment. I can't get by that. I'm also appreciative of the fact that the Rodey Firm is looking at the fairness issue also, but I view those two as separate. The fairness issue in the hearing, the fairness issue in the business process to me is something else. I can't get over that and so I'm persuaded that the clock indeed did stop and that Hunt is in their right position. I'm leaning toward denial of the appeal at this point.

COMMISSIONER SCHWARTZ: Commissioner Johnson?

COMMISSIONER JOHNSON: I'm in accord on when the clock begins and stops with the discussion that's been presented here. The other reason that I would vote to deny is that I think no one just barged into this and kind of did it in a clumsy fashion. The Development Review Board and the Planning Department took pains to see, to get advise from legal, to come back to the Planning Commission to satisfy what they perceived to be outstanding issues over which they didn't have domain. I don't think this was done in an unconscious fashion. I think it was done as carefully as it could be in a very complex set of circumstances. So I will support denial as well.

COMMISSIONER SCHWARTZ: It is apparent then that I will be voting in the minority on this. I happen to believe that when the Development Review Board

acted here more recently that, to coin a phrase, the site plan was "defacto" void because I say "defacto" because the actual provision that applies in the Uptown Plan simply relates to portions of the site plan for buildings where the building permit hasn't been pulled yet. In this case since no building had a building permit it's a "defacto" cancellation of the entire site. FOR THE RECORD: I'm going to put my reasoning in here. Winrock has standing under 14-16-44B2C by virtue of owning property interest within 300 feet. Section 387 of the Uptown Sector Development Plan states "site development plans typically rate significant policy issues that can best be resolved through a decision by the Environmental Planning Commission. The Planning Director will normally refer site development plans to the Commission". The site development plans that are the subject of this appeal were referred to the Environmental Planning Commission except for those specifically enumerated situations in which approval is reserved to the City Council. "Approvals by the Environmental Planning Commission are final subject to appeal to the City Council. In the exercise of its discretion and in response to a request by an applicant or upon the initiative of the Commission, the Environmental Planning Commission may delegate approval authority to the Development Review Board." There is no evidence in the record that the site development plan applicant, Tesch, requested approval delegation to the Development Review Board or that a delegation was made upon the initiative of the Environmental Planning Commission. The site plans were approved by the Environmental Planning Commission October 15, 1998. The Environmental Planning Commission pre-approvals were appealed to the City Council. Section 14-16-4483 of the Zoning Code states that once an appeal is filed the Planning Director and the Planning Commission among others no longer have jurisdiction to act on the matter. A reasonable interpretation of this rules that the Development Review Board is precluded from taking any action on an item under appeal to the City Council. In February 1999, the City Council denied the appeal to the Environmental Planning Commission site plan approvals thus affirming the Environmental Planning Commission action and reinstating jurisdiction of the Environmental Planning Commission, Planning Director and the Development Review Board to act on the matter. The actions of the City Council were appealed to the District Court. The limits on jurisdiction upon filing of an appeal is stated in Zoning Code 14-16-4483 referenced above, applying only to appeals filed within the City government process. The restrictions do not apply to appeals filed outside the City. Section 14-16-311C of the Zoning Code provides for automatic termination of an approved site development plan for seven years. If less than one half of the square footage has been built or less than one half of the site developed additional provisions provide for five year extensions with no limit on the number of extensions. The fact that it's stated by the Planning Director in his letter of April 20, 2002, the statement was "the City does not require that a site plan for building permit approved by the Planning Commission be brought before the Development Review Board on any given schedule", that does not negate any automatic termination provisions found elsewhere in the Code or adopted plans.

Section 3H11 of the Uptown Sector Development Plan modifies the automatic termination provisions of the Zoning Code and says "the portions of site development plans showing structures that have not obtained building permits within two years of site plan approval shall be void but may be reapproved following standard procedure". The Sector Development Plan further authorizes the Planning Director to give one six-month extension to each two-year approval.

There is no evidence in the record that the site plan applicant asked for an extension of the two year limit or otherwise asked for relief from the automatic voiding provisions of the Uptown Sector Development Plan within two years of the City Council action.

There is no evidence in the record that the site plan applicant within two years of City Council action requested Development Review Board action and was rebuffed or other wise denied by the Development Review Board.

There is no evidence in the record that the Development Review Board, Environmental Planning Commission, Planning Director or the City of Albuquerque was precluded from acting on the subject site plans within two years of the City Council action by virtue of an injunction or any other court order or court action.

The Environmental Planning Commission action was stayed pending the appeal to the City Council and became effective when the Council denied the appeal.

In accordance with the provisions of the Uptown Sector Development Plan the portions of site development plans showing structures that did not obtain building permits within two years of City Council action are void and in accordance with the provision of the Uptown Sector Plan the site plan applicant may submit the plans to be reapproved following standard procedure.

I guess my feeling is that when the Uptown Sector Plan was developed and they put in this two-year rule it was an indication that people didn't want these things sitting around for seven years subject to indefinite extensions. They wanted some serious players to come in and do something. Not take a plan and stick it in their pocket and essentially that's exactly what happened. This could have brought back. An extension could have been applied for. My guess is, well I can't say what would happen, it wouldn't even be reasonable to argue that more then one extension might have been justified based on the general provision. But none of that happened. So my feeling is that the site plan applicant needed to make an affirmative act to keep this thing going and there was no affirmative act.

COMMISSIONER MCMAHAN: Did I understand you to say that the sector development plan overrides the zoning code?

COMMISSIONER SCHWARTZ: I didn't say that. I will say that in my experience on this Commission there are probably many instances where sector development plans which have predominately been adopted by resolution. Modify the Zoning Code and if we're going to say that those modifications have no affect then we probably should start tearing pages out of the sector development plans.

COMMISSIONER MCMAHAN: Thank you very much.

COMMISSIONER OWENS: I just want to get clear on your position. You're drawing a distinction between appeals within the City, the administrative appeal process and appeals outside the City administrative appeal process, which means in the District Court. The two-year clock starts to run at City Council approval and expiration of the appeal period.

COMMISSIONER SCHWARTZ: What did the City Council approve? City Council denied the appeal and affirmed the approval of the Environmental Planning Commission.

COMMISSIONER OWENS: There's an appeal period after that and at the expiration of that appeal period the two-year clock starts to run.

COMMISSIONER SCHWARTZ: That would probably be correct.

COMMISSIONER OWENS: Then civil litigation in the District Court does not toll the two-year clock and that in order to do that the applicant, in this case Hunt, would have had to apply for an extension and take some other affirmative action.

COMMISSIONER SCHWARTZ: What I'm saying is had the Tesch/Hunt come in and attempted made an affirmative act to continue the process, to get the Development Review Board signoffs within the two-year period, then Prudential, it would have flipped back to them to get an injunction. Now if Prudential had obtained an injunction and then came in an argued to your expiration then I think you have an equity argument.

COMMISSIONER OWENS: But that the mere instigation of litigation without any other administrative action in the background isn't enough to toll the two-year clock?

COMMISSIONER SCHWARTZ: Not for me.

COMMISSIONER OWENS: Obviously, we're not going to make a final decision on this. We need to build the record and let the applicant and the appellant move on to a final decision here. It's an important question. This is an open issue of law and resolution of it is important for this body, the Planning Department and the development community. I think we recognize that's the case.

COMMISSIONER SCHWARTZ: Commissioner Jesionowski?

COMMISSIONER JESIONOWSKI: I would like to point out that as the new Chairman our rules preclude me from making a motion.

COMMISSIONER SCHWARTZ: I'm Acting Chair.

COMMISSIONER JESIONOWSKI: I don't want to make an interpretation in that matter. So I am not going to lead a motion. I would ask someone else to.

COMMISSIONER SCHWARTZ: Commissioner Owens?

COMMISSIONER OWENS: I make a motion that the appeal be denied.

COMMISSIONER MCMAHAN: Second. Call the question. We've got a motion, let's vote on it.

COMMISSIONER OWENS: That's a good point. Do we need findings for that? I don't think we need findings for that, Mr. Suffling?

COMMISSIONER SCHWARTZ: Well this appeal is error. Either a finding of error or finding of no error. Isn't that correct Mr. Suffling?

MR. SUFFLING: The statute and Rule 74 that governs these administrative hearings state that an agency that makes a decision should make a clear decision. I think motion to deny the appeal is clear enough. I would suggest that you make some kind of findings so that the next body that hears this case will have a little more understanding of why you reached the decision. I think if you read the record.

COMMISSIONER SCHWARTZ: For the record, usually the findings would be, there was no error in applying adopted City plans, policies or ordinances. There was no error in the appealed action or decision, including stated facts and that the Development Review Board did not act arbitrarily or capriciously or was manifestly abusive of discretion.

COMMISSIONER OWENS: I think it might be important that we find that in the opinion of this body, the majority of this body, that the two-year clock is tolled by the instigation of civil litigation.

COMMISSIONER BRISCOE: Let us say civil litigation that is directly applicable to this development project. Does the second agree?

COMMISSIONER MCMAHAN: Yes.

COMMISSIONER SCHWARTZ: Okay we have a motion and a second. All those in favor say 'aye'? Opposed? No

FINAL ACTION

NOW THEREFORE BE IT RESOLVED THAT the Environmental Planning Commission voted to deny the appeal of Project 1002337/ 02EPC-01836 (SBP) and 02EPC-01837 (SPS), based on the following Findings:

FINDINGS:

1. There was no error in applying adopted city plans, policies, and ordinances in arriving at the decision.

2. There was no error in the appealed action or decision, including its stated facts.

3. The DRB did not act arbitrarily or capriciously or manifestly abusive of its discretion.

4. The opinion of this Body is that the two year "clock" is tolled by the instigation of civil litigation that is directly applicable to this development project.

MOVED BY COMMISSIONER OWENS
SECONDED BY COMMISSIONER MCMAHAN MOTION PASSES 5 TO 1

COMMISSIONER SCHWARTZ VOTED "NO"
COMMISSIONER SERRANO ABSTAINED

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

January 7, 2003

Lawrence Kline
Herb Denish & Associates, Inc
500 Marquette, NW, Suite 350
Albuquerque, New Mexico 87103

Dear Mr. Kline:

This is to inform you that the DRB final sign off approving the Monroe Junior High School Site Plan, Case # 1002337 occurred today, January 7, 2003.

Please call me at 924-3989 if you have any questions.

Sincerely,

Roger Green, P.E.
Acting DRB Chairperson

cc: Michelle Henrie, Rodey Dickason Sloan Akin & Robb,PA
Kevin Curran, Assistant City Attorney
John Myers, Myers Oliver Price, PC
Bill Sterchi & Lynn Tabor, Alvarado Park N.A.
Stephen Verchinski & Mary Lou Sorenson, Classic Uptown N.A.
Bob Bruno & Richard P. Huber, Inez, N.A.
Julie Jones & Jeff Paul, Jerry Cline Park N.A.
Valorie Vigil & Mark Trujillo, New Kimo N.A.
Timothy Sanchez-Brown & Orlando Esparza, Quigley Park N.A.
Dorothy Finaldi & Rick Paul, Snow Heights N.A.
R. Shelton Weeks & Tom Joule, Uptown Association
Richard Peterson & John Kinney, Winrock South N.A.
Virginia Emmett & Nick Wees, Zuni N.A.
Ike Eastvold, Fair Heights N.A.

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

cc(con't):

Susan Johnson, Elizabeth Begay, John Briscoe, Larry Chavez, Jeffrey Jesionowski, Mick McMahon, Bevin Owens, Camilla Serrano, EPC Members
Victor Chavez, Planning Department Director
Paula Donahue, Staff Planner

City of Albuquerque
Planning Department
Development Services Division

P.O. Box 1293
Albuquerque, New Mexico 87103

Date: **January 24, 2003**

AMENDED OFFICIAL NOTIFICATION OF DECISION

FILE: **Project 1002337**
02EPC-01836 (SBP) and 02EPC-01837 SPS)

PruWinrock
c/o Rodey Dickason Sloan Akin & Robb, PA
Michelle Henry
P.O. Box 1888
Albuquerque, NM 87103

LEGAL DESCRIPTION: all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s).

On January 16, 2003 the Environmental Planning Commission voted to deny the appeal of Project 1002337/ 02EPC-01836 (SBP) and 02EPC-01837 (SPS), based on the following Findings:

FINDINGS:

1. There was no error in applying adopted city plans, policies, and ordinances in arriving at the decision.

2. There was no error in the appealed action or decision, including its stated facts.

3. The DRB did not act arbitrarily or capriciously or manifestly abusive of its discretion.

4. The opinion of this Body is that the two year "clock" is tolled by the instigation of civil litigation that is directly applicable to this development project.

IF YOU WISH TO APPEAL/PROTEST THIS DECISION, YOU MUST DO SO BY **February 10, 2003** IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE WILL BE CALCULATED AT THE LAND DEVELOPMENT COORDINATION COUNTER AND IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

Successful applicants should be aware of the termination provisions for Site Development Plans specified in Section 14-16-3-11 of the Comprehensive Zoning Code. Generally plan approval is terminated 7 years after approval by the EPC

Sincerely,

FOR Victor J. Chavez
Planning Director

VJC/RG/ac

cc: Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE, 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109
Jeffrey Paul, 1000 Grove NE, 87110
Hunt Uptown II, LLC, 500 Marquette NW, Suite 350, 87102
Herb Denish & Associates Inc., P.O. Box 2001, 87103

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT SERVICES DIVISION

AGENDA NUMBER: 02
ENVIRONMENTAL PLANNING COMMISSION
JANUARY 16, 2003

02EPC-01836 (SBP) 02EPC-01837 (SPS) **Project # 1002337** 02DRB-01708 (SBP) 02DRB-01710 (SPS)	Rodey Dickason Sloan Akin & Robb PA, Michelle Henrie, appeals the Development Review Board's approval of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL**, zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) **Bob Paulsen, EPC Case Planner.**

DEVELOPMENT REVIEW BOARD'S COMMENTS TO THE ENVIRONMENTAL PLANNING COMMISSION JANUARY 16, 2003:

Request Summary:

This is an appeal of the November 20, 2002, Development Review Board action approving the Site Development Plan for Building Permit and the Site Development Plan for Subdivision for all or a portion of Tract A, Monroe Junior High School site, located on Louisiana Boulevard, NE, between Indian School Rd, NE and Interstate 40 containing approximately 12 acres.

The appellant is PruWinrock, LLC, represented by Rodey Dickason Sloan Akin and Robb, PA. Michelle Henrie acted as spokesperson for the agent.

Background:

On October 15, 1998, the EPC approved the two site plans and delegated final sign off to DRB with responsibility of making sure all EPC conditions were met. The EPC's approval of the two site plans was appealed to the City Council. The EPC also acted to recommend approval of an Uptown Sector Plan amendment to City Council with the addition of a housing component. In February 1999. the City Council upheld the EPC's approval of the site plans and approved the Sector Plan amendment, consistent with the EPC's recommendation.

Following the City Council's approval of these three requests, several neighborhood associations and the Prudential Insurance Company of America filed lawsuits against Tesch, the applicant at that time, and the City to undo the amendment to the Sector Plan and the approval of the two site plans. These lawsuits were combined into one. The New Mexico Court of Appeals dismissed the lawsuit in January 2001 and entered the mandate in March 2001 which finalized the process.

On November 13, 2002, Herb Denish and Associates, Inc, agent for Hunt Uptown II, LLC, current owners of the Monroe Site, presented the EPC approved Site Development Plan for Subdivision and the Site Development Plan for Building Permit to DRB for final signoff. The case was deferred to November 20, 2002 to allow the applicant time to remove Tract A of the Monroe Site from the pending submittal of adjacent property for action by the EPC on December 5, 2002.

By way of letter to the Planning Department dated November 15, 2002, Tract A of the Monroe Site was removed from the adjacent Hunt Uptown II project, thus making it possible for the DRB to act on the site plans for the Monroe Site.

On November 20, 2002, the two site development plans were again before DRB for final sign off. The DRB members provided comments on the two submittals, with the Board approving the plans. Final signoff was delegated to City Engineer, Transportation Development & Planning. Planning requested delegation to see what action the EPC would take on Conditions 15 and 21. These conditions needed EPC action to be satisfied. City Engineer requested delegation for execution of a Subdivision Improvements Agreement. Transportation Development requested delegation for verification of compliance with EPC conditions.

Appeal:

The Appellant lists four reasons for this appeal.

1. *Pursuant to the Uptown SDP, the DRB did not have jurisdiction over final sign off on the revised Site Plans.*

The language in Section 3, H(11) of the Uptown Sector Plan requiring re-approval of those portions of Site Development Plans showing structures that have not obtained building permits within two years of site plan approval is not applicable for these reasons:

- Although the site plans in question were originally approved on October 15, 1998 by EPC, the EPC approvals were appealed to the City Council. Final City Council approval of the site plans and the associated amendments to the Uptown Sector Plan did not occur

until February of 1999. Clearly, DRB had no jurisdiction over these plans until the appeal process and the issue of Sector Plan amendments were finalized.

- The lawsuits filed in 1999 by the Prudential Insurance Company of America and several neighborhood associations provided another "stay" of the two year building permit limitation imposed by the Uptown Plan. To begin construction of the site with litigation pending made no sense and could lead to further litigation.
- The New Mexico Court of Appeals resolved the issue in writing on March 14, 2001 by entering the mandate after dismissing the appeal earlier. It is the City's position that the two year clock began on March 14, 2001.
- The City's position is that the two year sunset deadline had not expired because pending litigation acted as a "stay". Therefore, DRB did have final sign off authority on these site plans when the application was heard on November 20, 2002 assuming all EPC conditions were met.

2. Also, pursuant to the EPC's condition of approval, the DRB did not have jurisdiction over final sign off on the Site Plan for Building Permit.

- It is the City's position that a certain design related conditions including Conditions #15 &21, were not satisfied at the time of the November 20, 2002, DRB hearing. Even though DRB conditionally approved the site plans at this hearing, final sign off could not occur until after the EPC December 5, 2002, meeting. Final sign off was completed on January 7, 2003, the point at which all required DRB signatures were placed on the plans.

3. Even though the DRB had jurisdiction over final sign off on the revised Site Plans, it erred in allowing final sign off before the Applicant met all conditions of EPC approval.

- It is the City's position that, when final DRB sign off occurred on January 7, 2003, all EPC conditions were met.

4. Even if the DRB had jurisdiction over final sign off on the revised Site Plans, it erred by accepting the revised Site Plans as "minor" and by acting on those site plans without properly noticing the action.

- The public hearing and appellant's public notification took place at EPC when the site plans were originally approved. Moreover, the appellant was present at the DRB hearing and provided verbal comments.
- The DRB's non-discretionary function in this case was to review the list of conditions imposed on the site plans by EPC and make sure they were all satisfied before signing off on the site plans.

- The City's case tracking system assigns the terms "major" or "minor" to applications in reference to whether advertised public notification is required. These terms should not be confused with definitions provided in the City Zoning Code or Subdivision Ordinance. "Minor" cases, such as the ones in question, do not require additional notification beyond that provided at the EPC level.

Summary/Findings:

Under Section 14-14-8-3 of the Subdivision Ordinance, the basis for an appeal of DRB action is one or more of the following:

- Error in applying adopted city plans, policies, and ordinances in arriving at the decision;
- Error in the appealed action or decision, including its stated facts;
- Error in acting arbitrarily or capriciously or being manifestly abusive of discretion.

Appellant appears to claim in their four bases of appeal that there was error in applying City plans, policies and ordinances. There was no error by the City in applying it's plans, policies or ordinances for these reasons:

- The DRB had jurisdiction over final sign off because the approval time for the site plans had not expired.
- Final DRB sign off did not occur until all EPC conditions were satisfied.
- DRB sign off was properly done pursuant to public notification procedures. The public hearing and public notification took place at EPC when the site plans were originally approved.

RECOMMENDATION: **DENIAL OF Appeal Application 02EPC-01836 (SBP) and 02EPC-01837 (SPS) Project #1002337**, Application #02-01708 *and* Application #02-01710 based on the preceding Summary/Findings.

Roger Green

Roger Green, Acting Chair
Development Review Board

DRB Response
To
PruWinrock 1/16/03 EPC Appeal

Table of Contents

1. Response to Appeal 1-4

2. Appeal by PruWinrock 5-25

3. Hunt Uptown II Information
   - Application to DRB (Site Plans Agenda Attachment) 26-30
   - 11/5/02 Letter /Request Final DRB Sign Off 31-39
   - 12/2/02 Letter to EPC/ EPC Conditions#15 & 21 40-41
   - 1/9/03 Letter to EPC/ Response to Appeal 42-58

4. 11/20/02 DRB Action Sheet 59-67

5. DRB Public Hearing Legal Ad for 1/16/03 EPC Appeal 68

6. Memoranda from Bob Paulsen
   - 11/12/02 Deferral Recommendation 69
   - 11/19/02 Comments on Project Submittal 70-74
   - 12/03/02 EPC Review of Conditions 15 & 21 75-76
   - 12/18/02 Final Comments to DRB 77

7. PruWinrock Letters
   - 11/12/02 Requesting DRB Deferral 78-80
   - 11/19/02 Requesting DRB Remand to EPC 81-84

8. DRB Minutes: November 13th & 20th, 2002 85-106

9. 1/7/03 Letter of DRB Sign Off to Hunt Uptown II LLC 107-108

10. 1/9/03 Letter to PruWinrock/EPC Appeal Date 109

11. EPC Minutes for December 5, 2002 110-162

12. EPC Official Notification of Decision 10/16/98 163-170

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

	Supplemental form
SUBDIVISION	S
☐ Major Subdivision action	
☒ Minor Subdivision action	
☐ Vacation	V
☐ Variance (Non-Zoning)	
SITE DEVELOPMENT PLAN	P
☐ ...for Subdivision Purposes	
☐ ...for Building Permit	
☐ IP Master Development Plan	
☐ Cert. of Appropriateness (LUCC)	L

	Supplemental form
ZONING	Z
☐ Annexation & Zone Establishment	
☐ Sector Plan	
☐ Zone Change	
☐ Text Amendment	
APPEAL / PROTEST of...	A
☒ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal	

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: PruWinrock, LLC
c/o Rodey Dickason Sloan Akin & Robb, PA (Michelle Henrie) PHONE: 505-768-7394
ADDRESS: P.O. Box 1888 FAX: 505-768-7395
CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: mhenrie@rodey.com
Proprietary interest in site: Owner of adjacent property

AGENT (if any): Rodey Dickason Sloan Akin & Robb, PA (Michelle Henrie) PHONE: 505-768-7394
ADDRESS: P.O. Box 1888 FAX: 505-768-7395
CITY: Albuquerque STATE NM ZIP 87103 E-MAIL: mhenrie@rodey.com

DESCRIPTION OF REQUEST: Appeal of DRB decision on Nov. 20, 2002 re: Project No. 1002337, Case Nos. 02DRB-01708 and 02DRB-01710
Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☒ No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract A Block: ____ Unit: ____
Subdiv. / Addn. Monroe Junior High School
Current Zoning: SU-3 Inside & Outside Intense Core Proposed zoning: No Change
Zone Atlas page(s): J-19 No. of **existing** lots: 1 No. of **proposed** lots: 3
Total area of site (acres): 11.75/ 9.6 Density if applicable: dwellings per gross acre: 2 dwellings per net acre: 3
Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? No
UPC No. 1-019-058-048-497-2-04-14 MRGCD Map No. N/A
LOCATION OF PROPERTY BY STREETS: On or Near: Louisiana Blvd., NE
Between: Indian School Rd., NE and Interstate 40

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Z-98-123, Z-96-119, 00EPC-01154, 02EPC-01472

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☐. Date of review: ____

SIGNATURE _____ DATE 12/3/02

(Print) Michelle Henrie ☐ Applicant ☒ Agent

FOR OFFICIAL USE ONLY Form revised September 2001

☑ INTERNAL ROUTING
☑ All checklists are complete
☑ All fees have been collected
☑ All case #s are assigned
☑ AGIS copy has been sent
☑ Case history #s are listed
☑ Site is within 1000ft of a landfill
☑ F.H.D.P. density bonus
☑ F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
02EPC - 01836	AppSDP/BP	A	$ 190.00
02EPC - 01837	AppSDP/SD	A	$ 190.00
- - APPEAL NOTIFICATION	FEE		$ 50
- - -			$
- - -			$
			Total $ 430.00

Hearing date 1-16-03

Project # 1002337

Planner signature / date 12/3/02

5

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:
☐ DECISION OF THE ZONING HEARING EXAMINER

Appeal to the Landmarks and Urban Conservation Commission regarding:
☐ CERTIFICATE OF APPROPRIATENESS DECISION OF THE PLANNING DIRECTOR OR STAFF

Appeal to the Environmental Planning Commission regarding:
☐ ADMINISTRATIVE AMENDMENT OR DECISION OF THE PLANNING DIRECTOR OR STAFF
☐ DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER
☒ DETERMINATION OR ACTION OF THE DEVELOPMENT REVIEW BOARD

Appeal to the City Council regarding:
☐ DETERMINATION OR ACTION OF THE ENVIRONMENTAL PLANNING COMMISSION
☐ ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL
☐ DECISION OF THE LANDMARKS AND URBAN CONSERVATION COMMISSION

☒ Project number of case being appealed; 1002337

☒ Application number of case being appealed; 02DRB-01708; 02DRB-01710

☒ Reason for the appeal *
☒ Appellant's basis of standing as an appellant *
☒ Letter of authorization from the appellant if this application for appeal is submitted by an agent
☒ Copy of the Official Notification of Decision regarding the matter being appealed
☒ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in *Zoning Coa §14-16-4-4*. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

MICHELLE HENRIE
Applicant name (print)

12/3/02
Applicant signature / date

Form revised September 2001

☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☑ Related #s listed

Application case numbers
02EPC - 01836
02EPC - 01837
- -

Planner signature / dat 12/03/03

Project # 1002337

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
WILLIAM S. DIXON
[illegible] BURTON
[illegible]ROCKMORTON
[illegible] W. HEWES
[illegible]. MINZNER
[illegible] LASATER, JR.
[illegible]MEIERING
C[illegible]INE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG

CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
R. TRACY SPROULS
KARLA K. POE
ALAN HALL
BRIAN H. LEMATTA
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
DIANA V. SANDOVAL
BRENDA MALONEY
MATTHEW S. WERMAGER
LARRY J. MONTARO

RODEY, DICKASON, SLOAN, AKIN & BB, P. A.
COUNSELORS AND ATTORNEYS AT LAW
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WEB-SITE: WWW.RODEY.COM
E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
DONALD B. MONNHEIMER
JULIE P. NEERKEN
ROBERT G. McCORKLE
PABLO PRANDO

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER
505-768-7394
mhenrie@rodey.com

December 3, 2002

Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd St. NW, 2nd Floor
Albuquerque, New Mexico

Re: Appeal of DRB decision dated November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

Dear Environmental Planning Commissioners:

This firm represents PruWinrock, LLC, the owner of Winrock Shopping Center. PruWinrock, LLC is appealing the above-referenced decision of the Development Review Board. PruWinrock, LLC owns property within 300 feet of the above referenced property.

We enclose with this letter the following:

1. Development Review Application

2. Appeal (Form A)

3. A check for $ 430 as a filing fee.

4. "Reasons for the Appeal," which includes:
   a. Appellants' basis of standing, and
   b. A copy of the DRB Action Sheet (no Notice of Decision was issued for this matter).

5. A letter of authorization.

Very truly yours,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By
Michelle Henrie

MH/cw
Enclosures as stated

cc (via hand delivery):

Members of the Environmental Planning Commission:
Susan Johnson, Vice Chair
Elizabeth Begay
John Briscoe
Larry Chavez
Jeffrey Jesionowski
Mick McMahan
Bevin Owens
Camilla Serrano
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
John P. Salazar, Esq.
Lawrence S. Kline, Herbert M. Denish & Associates, Inc.
John A. Myers, Esq.
John J. Kelly, Esq.

cc (via mail):

Councillor Sally Mayer
Jay Czar CAO
Ted Asbury PE
Victor Chavez PE
Bob White, Esq.
David Suffling, Esq.
Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
Charles E. Miller, Prudential Real Estate Investors
Shelton Weeks, Manager, Prizm Partners
Members of Uptown Neighborhood Associations:
Bill Sterchi

Lynn Tabor
Stephen Verchinski
Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil
Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Dorothy Finaldi
Rick Paul
Tom Joule
Richard Peterson
John Kinney
Nicholas Wees
Virginia Emmett

Randy Sanchez, General Manager, Coronado Center

Prudential Financial

Charles E. Miller
Principal

Prudential Real Estate Investors
Two Ravinia Drive, Suite 1400, Atlanta GA 30346
Tel 770 395-8620 Fax 770 395-8454
charles.miller@prudential.com

Re: Appeal of DRB decision dated November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

To whom it may concern:

PruWinrock, LLC, owner of the Winrock mall, hereby authorizes Rodey, Dickason, Sloan, Akin & Robb, P.A., to act as its agent for all purposes relating to appeal of the above-referenced decision and matters relating thereto.

Sincerely,

PruWinrock LLC, a Delaware
Limited Liability Company

By: The Prudential Insurance Company of America,
A New Jersey corporation, its sole member and
Manager

Charles E. Miller
Charles E. Miller
Principal

REASONS FOR THE APPEAL

Appeal of DRB decision dated November 20, 2002
Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

PruWinrock, LLC ("PruWinrock"), the owner of Winrock Shopping Center, hereby appeals the November 20, 2002 decision by the Development Review Board ("DRB") to perform final sign off for the above referenced Minor Site Plan for Building Permit and Minor Site Plan for Subdivision. Both Site Plans are for a 9.63 acre vacant tract of land in the Uptown area of Albuquerque that was the former site of the Monroe Junior High School, now known as the "Monroe site." The Monroe site is northwest of and adjacent to the Winrock Shopping Center. The Monroe site is included within the boundaries of the Uptown Sector Development Plan ("Uptown SDP"). Under the Uptown SDP, the Monroe site is zoned SU-3 for the Uptown Urban Center, Inside the Intense Core and SU-3 for the Uptown Urban Center, Outside the Intense Core. The DRB's action is described in the attached Action Sheet labeled Exhibit A. No Notice of Decision was issued.

Basis for Standing

PruWinrock has standing to bring this appeal because it owns property within 300 feet of the Monroe site and is imminently threatened with injury as a result of the DRB's decision. Albuquerque, N.M., Code of Ordinances ("Zone Code") § 14-16-4-4 (B)(2)(c) and De Vargas Savings & Loan Ass'n v. Campbell, 87 N.M. 469, 472, 535 P.2d 1320, 1323 (1975) (appellants must be injured in fact or imminently threatened with injury, economically or otherwise).

Background

The Monroe site has been vacant since the early 1980s. In 1998, the site was acquired by several local investors ("the Tesch group"). The Tesch group submitted both a Site Plan for Building Permit and a Site Plan for Subdivision to the EPC in August of 1996. The project became known as "Uptown Spectrum I." These plans were eventually approved by EPC in May of 1997 and withstood appeal. However, the Tesch group never submitted these plans to the DRB for final sign off.

In August of 1998, the Tesch group submitted a different project, the "Uptown Spectrum II" project, to the EPC for review. This submittal package included a Site Plan for Building Permit, a Site Plan for Subdivision, and a Sector Development Plan amendment. On October 15, 1998, the EPC approved the Site Plans and recommended approval of the Sector Development Plan amendment with the addition of a housing component. City Council approved the Sector Development Plan amendment in February of 1999. However, the Tesch group never submitted the Site Plans to DRB for final sign off.

In the summer of 2002, Hunt Uptown II, LLC, the current owner of the Monroe site, together with Hunt Uptown, LLC, the owner of the large, vacant, adjacent tract to the north (known as the St. Pius site), publicly unveiled a project integrating the two sites called "ABQuptown." In connection with this project, the Hunt entities submitted a Site Plan for Subdivision and Sector Development Plan amendment. Before the EPC had an opportunity to review the ABQuptown project at a public hearing, Hunt Uptown II, LLC, revised the old 1998 Uptown Spectrum II project Site Plans and submitted them to the DRB for final sign-off. In other words, Hunt Uptown LLC took the position that after four years of limbo, the Site Plans could be revived intact and the process could be reinstated where it left off. On November 20, 2002, the DRB reviewed the revised Site Plans. As stated in the DRB Action Sheet, the revised Site Plans "were approved with final sign off delegated to the City Engineer, Transportation Development and Planning."

Reasons for the Appeal

1. Pursuant to the Uptown SDP, the DRB did not have jurisdiction over final sign off on the revised Site Plans.

Section 3 of the Uptown SDP applies to all property zoned SU-3, both within and outside of the Intense Core. Subsection H(11) on page 25 of the Uptown SDP states "The portions of site development plans showing structures that have not obtained building permits within two years of site plan approval shall be void, but may be reapproved following standard procedure."

The EPC approved these on October 15, 1998. Building permits were not obtained for any portion of the Uptown Spectrum II project within two years of the Site Plan approvals. Thus the Uptown Spectrum II plan became void on October 15, 2000. The DRB never had jurisdiction over final sign off on the Uptown Spectrum II plans because these plans needed to be reapproved through the standard procedure prior to DRB final sign off.

2. Also, pursuant to the EPC's conditions of approval, the DRB did not have jurisdiction over final sign off on the Site Plan for Building Permit.

The original Applicant for the Uptown Spectrum II project did not propose any housing for the site. On October 15, 1998, the EPC expressly added the housing requirement as a condition of approval. It also concurrently caused the Uptown Plan to be amended to include a housing component as a second step in ensuring that housing would be incorporated into this project. As a third step, the EPC retained jurisdiction over the project. Condition Number 21 to the Site Plan for Building Permit states that "[t]he revised site plan shall be submitted to the EPC site plan review committee for final approval *prior to DRB submittal*." (Emphasis added). Even though EPC's delegee, the site plan review committee, no longer exists, the EPC still does. Until it reviewed the revised site plans, the DRB had no jurisdiction over final sign off on the Site Plan for Building Permit.

3. Even if the DRB had jurisdiction over final sign off on the revised Site Plans, it erred in allowing final sign off before the Applicant met all conditions of EPC approval.

The October 15, 1998 approval by the EPC included several pages of conditions. The DRB seemed to believe that all of these conditions had been met. They have not.

Two conditions of approval required re-review by an EPC subcommittee. Condition Number 15 to the Site Plan for Building Permit references architectural integration of restaurants into the site. There is no indication that any efforts have been made towards developing guidelines for architecturally integrated the restaurants into the site. Yet the DRB did not wait for the Applicant to submit the specific guidelines before taking action.

Condition Number 21 to the Site Plan for Building Permit, which is mentioned above, required the revised Site Plan for Building Permit to be submitted to the EPC site plan review committee. The DRB should not have acted on the final sign off until the EPC reviewed the revised Site Plans. The condition did not limit review to the housing component only or a few applicable pages of the Site Plan for Building Permit– which is what the DRB seems to have remanded to EPC for hearing on December 5, 2002. Rather, the condition requires review of the entire revised site plan, presumably to see whether and how the housing component has been integrated into all aspects of the project– from parking to pedestrian circulation to the physical design features. Further, the conditions expressly state that this review shall be accomplished

prior to the DRB submittal. It was not.

A third condition of approval, Condition Number 1(B) to the Site Plan for Subdivision, was the requirement that the owners of the Monroe site and the Winrock property come to an agreement about the Loop Road. They have not. The Applicant claims it can rely on a separate agreement among the owners of the Winrock property and third parties to which it is neither a party nor a beneficiary. It cannot.

A fourth condition, Condition Number 1(A) to the Site Plan for Subdivision, related to the Traffic Impact Study ("TIS"). It stated: "A TIS has been performed for this request. An update of the TIS / AQIA to reflect changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan." The "changes in land use intensities" and "approved as amended land uses" can only mean the housing component added by the EPC. Yet, despite this directive, the Applicant did not update the TIS to include the housing component. By contrast, the Applicant's agent submitted a letter on November 4, 2002, to Tony Loyd stating "This is to confirm that the land uses described in the September 30, 1998 letter from Albert Thomas of Bohannan Huston, Inc. to Joe David Montano of Transportation Development *are identical to those currently proposed for the Spectrum II site.*" The uses are not identical. They now include a housing component, and EPC directed that the housing component be reflected in an updated TIS. Based on the EPC transcript from October 15, 1998, it appears the members believed that integrating of housing into the site would improve the air quality situation of the site. Nevertheless, they asked for proof. We'll never know if they were correct in their theory because the Applicant never submitted the changes to the Transportation Department.

4. Even if the DRB had jurisdiction over final sign off on the revised Site Plans, it erred by accepting the revised Site Plans as "Minor" and by acting on those Site Plans without properly noticing the action.

The 1998 Site Plan approvals were for Site Plans, not for "Minor" Site Plans. However, in 2002, the Applicant styled its revised Site Plans as "Minor" Site Plans. The City's Zoning Code nowhere identifies what a "Minor" Site Development Plan is.

The Zoning Code does identify a "Minor" Subdivision as one that does not require installation of any significant infrastructure. (§14-14-1-6, Definition of "Subdivision, Minor"). The Applicant's infrastructure lists show a new traffic signal, modifications to an existing traffic

signal, seven turn lanes, two bus bays, and yards of sewer, water, and storm drain improvements. The new traffic light alone constitutes "significant infrastructure." Hence, the revised Site Plan for Subdivision was not for a "Minor" Subdivision.

The Zoning Code also uses the word "minor" in connection with changes to an approved site development plan. "Minor" changes are those in which (1) the buildings retain the same general configuration, (2) the total building square footage does not increase by more than 10%, (3) the vehicular circulation has the same general effect, and (4) neither the City nor any person will be substantially aggrieved by the altered plan– not the alteration, but the "altered plan." §14-16-2-22(A)(6) and §14-16-3-11(C)(2)(c). If the changes are not "minor," they must be approved by the EPC, not the Planning Director. Id. And if there "might be a person substantially aggrieved by the altered plan or if the total building square footage would be increased by more than 2%," the Planning Director must mail notice to neighborhood associations and adjacent property owners. §14-16-2-22(A)(6).

In 2002, the Applicant submitted revised Site Plans to the DRB. Among other changes, these revised Site Plans incorporated a new housing component. The housing was added to the total building square footage shown on the approved Site Plans. The revised Site Plans do not state the square footage of the new housing units, so there was no way for the Planning Director or DRB to know whether the total building square footage would be increased by more than 2%. Based on the scale of the revised Site Plan drawings, the new housing units do increase the total building square footage by more than 2%. The City should have mailed notice about this change to neighborhood associations and adjacent property owners. It did not.

These revised Site Plans are not "Minor" Site Plans. Furthermore, the revised Site Plans included changes from the approved Site Plans. Changes trigger an amendment process under the Zone Code. The Zone Code nowhere excepts from the amendment process changes made pursuant to the directive of EPC. Because the changes were not "minor" amendments, they should have been properly noticed.

Conclusion

For these reasons, PruWinrock respectfully asks the Environmental Planning Commission to reverse the decision of the DRB.

Planning Department
Development Review Board Agenda/Action

DEVELOPMENT REVIEW BOARD
ACTION SHEET

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

November 20, 2002 9:00 a.m.
MEMBERS:

Roger Green, Acting DRB Chair
Claire Senova, Administrative Assistant

Richard Dourte, Transportation Development
Brad Bingham, Alternate City Engineer
Sheran Matson, Planning
Christina Sandoval, Parks & Recreation

****

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946 (VOICE) OR TELETYPEWRITER (TTY) 924-3361 - TTY USERS MAY ALSO ACCESS THE VOICE NUMBER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

NOTE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE APPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE BOARD SECRETARY MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. **Call to Order: 9:00 A.M.** **Adjourned: 12:12 P.M.**
B. Changes and/or Additions to the Agenda
C. Announcements

CASES WHICH REQUIRE PUBLIC NOTIFICATION
MAJOR SUBDIVISIONS, VACATIONS, SIA EXTENSIONS AND SITE DEVELOPMENT PLANS

16

EXHIBIT
tabbies
A

1.	**Project # 1001594** 02DRB-01621 Major-Bulk Land Variance 02DRB-01622 Major-Vacation of Pub Right-of-Way 02DRB-01623 Minor-Prelim&Final Plat Approval	COMMUNITY SCIENCES CORPORATION agent(s) for INVESTMENTS & CONSTRUCTION request(s) the above action(s) for UNPLATTED TRACTS, **SALAZAR & DAVIS TRACTS,** zoned MULTIPLE, SEE RIO BRAVO SECTOR DEVELOPMENT PLAN, located SOUTH AND EAST OF CARTAGENA AVE SW, between DELGADO DR SW (IF EXTENDED SOUTH) and SNOW VISTA DIVERSION CHANNEL containing approximately 300 acre(s). [REF: 01500-01652, 01792 SK, Z-99-58] (N-9) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO TRANSPORTATION.**
2.	**Project # 1002033** 02DRB-01655 Major-Vacation of Public Easements	HARRIS SURVEYING INC. agent(s) for BEALHEN CONSTRUCTION request(s) the above action(s) for all or a portion of Lot(s) 10, **SANDIA GLO SUBDIVISION,** zoned R-D residential and related uses zone, developing area, located on SANDIA GLO CT NE, between CORONADO AVE NE and KARAK RD NE containing approximately 1 acre(s). [REF: 02EPC-01195, 02DRB-00935, V-97-138, S-99-39] (D-21) **THIS VACATION ACTION WAS REMANDED BACK TO DRB FROM EPC. VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE.**
3.	**Project # 1002315** 02DRB-01650 Major-Preliminary Plat Approval 02DRB-01651 Major-Vacation of Pub Right-of-Way 02DRB-01652 Major-Vacation of Public Easements 02DRB-01653 Minor-Temp Defer SDWK 02DRB-01654 Minor-Sidewalk Waiver	BOHANNAN HUSTON, INC. agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **THE WILDERNESS @ HIGH DESERT,** zoned SU-2, HD, R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND, containing approximately 73 acre(s). [REF: 02DRB-01646] [DEFERRED FROM 11/20/02, PP, TDS, SW) (F-23) **THE VACATION (02-01651) FOR ITEM 4 WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE VACATION OF THREE DIFFERENT EASEMENTS (02-01652) WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION: THE VACATION OF EASEMENT 30 IS APPROVED WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT APPLICATION # 02-01653**

APPROVED AS S. WN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION: THE VACATION OF EASEMENT 30 IS APPROVED WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01 FOR PRELIMINARY PLAT, APPLICATION # 02-01 FOR TEMPORARY DEFERRAL OF SIDEWALKS AND APPLICATION # 02-01654 FOR SIDEWALK WAIVER WERE DEFERRED AT THE AGENT'S REQUEST TO 12/4/02.

4. **Project # 1002318**
02DRB-01649 Major-Bulk Land Variance
02DRB-01656 Minor-Prelim&Final Plat Approval

BOHANNAN HUSTON INC agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **HIGH DESERT, (to be known as THE WILDERNESS @ HIGH DESERT,** zoned SU-2 / HD R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND containing approximately 73 acre(s). (F-23) **BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS WITHDRAWN AT THE AGENT'S REQUEST.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)
NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

5. **Project # 1000226**
02DRB-01739 Minor-SiteDev Plan BldPermt/EPC

DORMAN-BREEN ARCHITECTS agent(s) for CROSS OF HOPE LUTHERAN CHURCH request(s) the above action(s) for all or a portion of Tract(s) S-1-B, **TAYLOR RANCH,** zoned SU-1 special use zone, for church & related facilities, located on TAYLOR RANCH DR NW, between MONTANO RD. NW and KACHINA ST. NW containing approximately 4 acre(s). [REF: Z-80-74-2, 02EPC-01349] **[Juanita Vigil, EPC Case Planner]** (E-11) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT AND TRANSPORTATION DEVELOPMENT.**

TRANSPORTATIO DEVELOPMENT.

****

6. **Project # 1001124**
02DRB-01734 Minor-SiteDev Plan
BldPermit/EPC

PHILIP PELZMAN agent(s) for CHRIST LUTHERAN CHURCH & SCHOOL request(s) the above action(s) for all or a portion of Lot(s) 40, Block 40, **BROAD ACRES,** zoned SU-1 Church & related facilities, located on PENNSYLVANIA NE, between CANDELARIA NE and LOUISIANA NE containing approximately 5 acre(s). [REF: Z-96-1, DRB-96-219, 01410-00357 (VPE), ZA-68-71-1] **[Debbie Stover, EPC Case Planner]** (G-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT AND PLANNING.**

7. **Project # 1001565**
02DRB-01713 Minor-SiteDev Plan
BldPermit/EPC

GREAT BASIN ENGINEERING agent(s) for SMITH'S FOOD & DRUGS request(s) the above action(s) for all or a portion of Tract(s) J-1, **REPLAT OF FOUR HILLS SHOPPING CENTER AND APARTMENT COMPLEX,** zoned C-2 community commercial zone, SHOPPING CENTER SITE, located on TRAMWAY BLVD SE, between CENTRAL AVE SE and WENONAH AVE SE containing approximately 9 acre(s). [REF: 01EPC-01544, ZA-96-146, ZA-92-93, V-89-88, Z-84-124-1] **[Debbie Stover, EPC Case Planner]** (L-22/23) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING.**

8. **Project # 1002324**
02DRB-01741 Minor-SiteDev Plan
BldPermit
02DRB-01742 Minor-SiteDev Plan
Sub

KEN HOVEY agent(s) for MOCHO,OLSON, CHANEY & MOCHO LLP request(s) the above action(s) for all or a portion of Block(s) 4, Tract(s) 7-A, Unit B, **NORTH ALBUQUERQUE ACRES,** (to be known as **VENICE BUSINESS CENTER,** zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**

	Sub	**BUSINESS CENTER**, zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**
9.	**Project # 1002337** 02DRB-01708 Minor-SiteDev Plan BldPermit/EPC 02DRB-01710 Minor-SiteDev Plan Subd/EPC	HERB DENISH AND ASSOCIATES, INC. agent(s) for UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING. THE INFRASTRUCTURE LIST DATED 11/20/02 WAS APPROVED.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

10.	**Project # 1001558** 02DRB-01714 Minor-Prelim&Final Plat Approval	BURTON ENGINEERS INC. agent(s) for CORONADO PARK LTD. request(s) the above action(s) for all or a portion of Tract(s) A, **CORONADO VILLAGE,** zoned SU-2 MUD, located on the northwest corner intersection of I-25 and PASEO DEL NORTE NE containing approximately 58 acre(s). [REF: 01420—01520 (VPE on 11/14/01) (C-17) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO CITY ENGINEER AND TRANSPORTATION DEVELOPMENT.**

11. **Project # 1002221**
02DRB-01738 Minor-Amnd Prelim Plat Approval

BOHANNAN H\ .ON, INC. agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) J, VENTANA RANCH, **VITTORIA SUBDIVISION @ VENTANA RANCH,** zoned R-2, located on PASEO DEL NORTE NW, between UNIVERSE BLVD NW and PARADISE BLVD NW containing approximately 21 acre(s). [REF: 02DRB-1563] (B-10) **THE AMENDED PRELIMINARY PLAT WAS APPROVED AND THE AMENDED GRADING PLAN ENGINEER STAMP DATED 11/12/02 WAS APPROVED. THIS AMENDMENT DOES NOT EXTEND THE EXPIRATION DATE OF THE APPROVED PRELIMINARY PLAT.**

12. **Project # 1002324**
02DRB-01740 Minor-Prelim&Final Plat Approval

ISAACSON & ARFMAN, PA agent(s) for MOCHO, OLSON, CHANEY & MOCHO, LLP. request(s) the above action(s) for all or a portion of Lot(s) 7A, Tract(s) A, Block 4, Unit B, **NORTH ALBUQUERQUE ACRES,** zoned IP, located on BEVERLY HILLS AVE NE, between VENICE AVE NE and I-25 containing approximately 6 acre(s). [REF: 00410- 01540, 02-01670 (SK)] (B-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

13. **Project # 1000267**
02DRB-01555 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST, LTD. agent(s) for BILL WADE / UPWEST CORP. request(s) the above action(s) for all or a portion of Lot(s) 13 & 14, **BREEZE @ SOUTH PEAK,** zoned R-3 residential zone, located on OCEAN BREEZE DR NE, between CHELWOOD PARK BLVD. NE and EASTRIDGE DR. NE containing approximately 1 acre(s). [REF: 02DRB-00954 SIA, 00460-00223 SK,00440-01100 FPA,00410-00399] [INDEFINITELY DEFERRED FROM 10/23/02 AND 11/20/02] (J-22) **INDEFINITELY DEFERRED ON A NO SHOW.**

) ACTION IS TAKEN ON THESE CASES:
IF APPLICANT IS NOT PRESENT, COMMENTS WILL BE FORWARDED

14. **Project # 1000390**
02DRB-01737 Minor-Sketch Plat or Plan

BOHANNAN HUSTC agent(s) for LAS VENTANAS LIMITED PARTNERSHIP. request(s) the above action(s) for all or a portion of Tract(s) H, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the southeast corner of UNIVERSE NW r PARADISE BLVD NW containing approximately acre(s). [REF: 01410-01495] (B-10) **THE ABO.. REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

15. **Project # 1002346**
02DRB-01735 Minor-Sketch Plat or Plan

BOHANNAN HUSTON agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) G, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the northeast corner of UNIVERSE BLVD NW and PARADISE BLVD NW and containing approximately 13 acre(s). [REF: DRB-96-6, (1000390)] (B-10) **THE ABOVE REQUEST WAS REVIEWED A... COMMENTS WERE GIVEN.**

16. **Project # 1001986**
02DRB-01715 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOC. agent(s) for RIO OESTE DEVELOPMENT, LLC request(s) the above action(s) for all or a portion of Tract(s) D & E, **TAYLOR RANCH,** zoned R-1 residential zone, located on the WEST SIDE OF COORS BLVD NW, between LA ORILLA RD NW and VILLA CORTA DEL SUR NW containing approximately 10 acre(s). [REF: 02EPC-00834, 02EPC-00835] (E-12) **THE ABOVE REQUEST WAS**

17. **Project # 1002342**
02DRB-01720 Minor-Sketch Plat or Plan

MARK GOODWIN ASSOCIATES, PA agent(s) for MEL FAMIE, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-3, **CLYDE LELAND SUBDIVISION,** zoned R-T residential zone, located on ATRISCO DR NW, between LEGENDS AVE NW and WESTERN TRAIL NW containing approximately 3 acre(s). [REF: Z-85-138-502] (F-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. **Project # 1002345**
02DRB-01733 Minor-Sketch Plat or Plan

CLINT SHERRILL & ASSOCIATES agent(s) for GOLDEN VENTURES, LLC, ROBERT SHAFFER JR. request(s) the above action(s) for all or a portion of Lot(s) 3, Unit 1, **BROADWAY INDUSTRIAL CENTER,** zoned SU-2 special neighborhood zone, HM, located on the east end of SAN JOSE AVE SE, between KARSTEN CT SE and SOUTH I-25 containing approximately 14 acre(s). [REF: DRB-97-271, (1000131) 02DRB-00109] (M-14) **THE ABOVE REQUEST WAS REVIEWED AND**

19. **Project # 1002347**
02DRB-01736 Minor-Sketch Plat or Plan

RICHARD HUDSON agent(s) for LAUREANO MEDRANO request(s) the above action(s) for all or a portion of Lot(s) 36 & 37, Block B, **MONKBRIDGE ADDITION,** zoned M-1, located on HEADINGLY NW, between 2ND STREET NW and 1ST STREET NW containing approximately 1 acre(s). (G-15) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20. **Project # 1002002**
02DRB-01743 Minor-Sketch Plat or Plan

ADVANCED ENGIN RING & CONSULTING, LLC agent(s) for RETAIL DEVELOPMENT INC., LLC request(s) the above action(s) for all or a portion of **BEAR CANYON ARROYO, SAN MATEO DEL NORTE,** zoned C-3 heavy commercial zone, located WEST SAN MATEO BLVD NE, between OSUNA RD NE ACADEMY RD NE containing approximately 5 acre(s). [LISTED AS PROJECT #1002348 WHICH WAS INCORRECT] (E-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

21. Approval of the Development Review Board minutes for 10/30/02 and 11/6/02. **THE MINUTES WERE APPROVED SUBJECT TO CHANGES BY THE BOARD.**

ADJOURNED: 12:12 P.M.

Comments to:

Joe McSorley
Planning Department
1 Civic Plaza NW
Albuquerque, NM 87103
(505)924-3861

EMAIL

(c) 2002 City of Albuquerque | Disclaimer | Privacy Statement

ONE STOP SHOP ••• FRONT COUNTER
City of Albuquerque • Planning Department

DEVELOPMENT & BUILDING SERVICES (D&B Svcs)
LAND DEVELOPMENT COORDINATION SECTION (LDC)
Plaza Del Sol -2nd & 4TH Floor West - 600 2nd St NW 87102
Front Counter Main Number (505) 924-3858 or 924-3895
Main Fax (505) 924-3864

PAID RECEIPT

APPLICANT NAME Pru Winrock, LLC

AGENT Rodey Law Firm

ADDRESS P.O. Box 1888

PROJECT NO. 1002337

APPLICATION NO. Appeal SDP 4 BP 02136-01836 / Appeal SDP 4 SID 02136-01837

$ _____ 441006 / 4983000 (DRB Cases)

$ 190x2 441006 / 4971000 (EPC & AA / LUCC / Appeals)

$ 50 441018 / 4971000 (Notification)

$ 430.00 **Total amount due**

FOR SECURITY PURPOSES, THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND MICROPRINTING IN THE BORDER

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.
COUNSELLORS AND ATTORNEYS AT LAW
201 3RD STREET N.W., SUITE 2200
P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103

Check No. **112310**

WELLS FARGO BANK, N.A.
ALBUQUERQUE, NM 87103

95-219
1070

Date: **December 3, 2002**

AMOUNT OF CHECK
*****$430.00**

*****Four hundred thirty and 00/100 DOLLARS*****

PAY TO THE ORDER OF:
City of Albuquerque Planning & Zoning

By _____

By _____

TWO SIGNATURES REQUIRED IF AMOUNT OF CHECK IS $1000.00 or above

VOID AFTER 180 DAYS

THE REVERSE SIDE OF THIS DOCUMENT INCLUDES AN ARTIFICIAL WATERMARK - HOLD AT ANGLE TO VIEW

⑈112310⑈ ⑆107002192⑆627 44962 6⑈

12/03/2002 3:01PM LOC:
RECEIPT# 00000823 WS# 007 TRANS# 00
Account 441006 Fund 0000
Activity 4971000 TRSCCS
Trans Amt 10/28/02 $430.00
J24 Misc $380.

counterreceipt.doc

25

City of Albuquerque

DEVELOPMENT REVIEW APPLICATION

Supplemental form

SUBDIVISION **S**

- ☐ Major Subdivision action
- ☐ Minor Subdivision action
- ☐ Vacation **V**
- ☐ Variance (Non-Zoning)

Supplemental form

ZONING **Z**

- ☐ Annexation & Zone Establishment
- ☐ Sector Plan
- ☐ Zone Change
- ☐ Text Amendment

SITE DEVELOPMENT PLAN **P**

- ☒ ...for Subdivision Purposes
- ☒ ...for Building Permit
- ☐ IP Master Development Plan
- ☐ Cert. of Appropriateness (LUCC) **L**

APPEAL / PROTEST of... **A**

- ☐ Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeal

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICANT INFORMATION:

NAME: Hunt Uptown II, LLC
ADDRESS: 500 Marquette NW, Suite 350
CITY: Albuquerque STATE NM ZIP87102
PHONE: 915.533.1122
FAX: 915.298.4371
E-MAIL: garys@huntbuilding.com
Proprietary interest in site: Owners
AGENT (if any): Herb Denish and Associates, Inc.
ADDRESS: P.O. Box 2001
CITY: Albuquerque STATE NM ZIP 87103
PHONE: 505.842.6461
FAX: 505-842-6471
E-MAIL: lsk@hmda.com

DESCRIPTION OF REQUEST: Site Devel Plan DRB Final Sign Off for EPC Approved SDP for BP

Is the applicant seeking incentives pursuant to the Family Housing Development Program? ☐ Yes. ☒ No.

SITE INFORMATION: ACCURACY OF THE LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. Tract A Block: ____ Unit: ____

Subdiv. / Addn. Monroe Junior Highschool

Current Zoning: Su3 Inside and Outside Intense Core Proposed zoning: No Change

Zone Atlas page(s): J-19 No. of existing lots: 1 No. of proposed lots: 3

Total area of site (acres): 11.75 Density if applicable: dwellings per gross acre: 2 dwellings per net acre: 3

Within city limits? ☒ Yes. No ☐, but site is within 5 miles of the city limits (DRB jurisdiction.) Within 1000FT of a landfill? No

UPC No. 1-019-058-048-497-2-04-14 MRGCD Map No. N/A

LOCATION OF PROPERTY BY STREETS: On or Near: Louisiana Blvd. NE
Between: Indian School Rd NE and Interstate 40

CASE HISTORY: Bob Paulsen EPC Planner
List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_,Z_, V_, S_, etc.): Z-98-123

Check-off if project was previously reviewed by Sketch Plat/Plan ☐, or Pre-application Review Team ☐. Date of review: ____

SIGNATURE _____ DATE 10/29/02

(Print) Lawrence S. Kline L' ☐ Applicant ☒ Agent

Form revised September 2001

FOR OFFICIAL USE ONLY

	Application case numbers	Action	S.F.	Fees
☒ INTERNAL ROUTING				
☒ All checklists are complete	02DEB-____-01708	750BP	____	$ 0
☒ All fees have been collected	02DEB-____-01710	750S	____	$ 0
☒ All case #s are assigned	____-____-____	____	____	$ ____
☐ AGIS copy has been sent	____-____-____	____	____	$ ____
☐ Case history #s are listed	____-____-____	____	____	$ ____
☒ Site is within 1000ft of a landfill				Total
☒ F.H.D.P. density bonus				$ 0
☒ F.H.D.P. fee rebate				

Hearing date Nov. 13, 2002

11-5-02
Planner signature / date

Project # 1002337

26

FORM P(3): SITE PLAN REVIEW - D.R.B. MEETING (UNADVERTISED)

☐ **SKETCH PLAN REVIEW AND COMMENT**

- ☐ Scaled site sketch and related drawings showing proposed land use including structures, parking, Bldg. setbacks, adjacent rights-of-way and street improvements, etc. (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the request
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Your attendance is required.**

☐ **SITE DEVELOPMENT PLAN FOR SUBDIVISION**

- ☐ Scaled site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the request
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Copy of the document delegating approval authority to the DRB
- ☐ Infrastructure List, if relevant to the site plan
- ☐ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☐ **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

- ☐ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☐ Site Plan for Subdivision, if applicable, previously approved or simultaneously submitted. **6** copies.
- ☐ Solid Waste Management Department signature on Site Plan
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the request
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Copy of the document delegating approval authority to the DRB
- ☐ Infrastructure List, if relevant to the site plan
- ☐ Completed Site Plan for Building Permit Checklist
- ☐ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
- ☐ Blue-line copy of Site Plan with Fire Marshal's stamp
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☐ **AMENDED SITE DEVELOPMENT PLAN FOR SUBDIVISION**

☐ **AMENDED SITE DEVELOPMENT PLAN FOR BUILDING PERMIT**

- ☐ Proposed amended Site Plan (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☐ DRB signed Site Plan being amended (folded to fit into an 8.5" by 14" pocket) Copies as needed above
- ☐ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☐ Letter briefly describing, explaining, and justifying the request
- ☐ Letter of authorization from the property owner if application is submitted by an agent
- ☐ Infrastructure List, if relevant to the site plan
- ☐ Completed Site Plan for Building Permit Checklist (not required for amendment of SDP for Subdivision)
- ☐ Fee (see schedule)
- ☐ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

☒ **D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for SUBDIVISION**

☒ **D.R.B. FINAL SIGN-OFF FOR E.P.C. APPROVED S.D.P. for BUILDING PERMIT**

- ☒ Site plan and related drawings (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☒ Approved Grading and Drainage Plan (folded to fit into an 8.5" by 14" pocket) **6** copies.
- ☒ Solid Waste Management Department signature on Site Plan (not required for SDP for Subdivision) on original
- ☒ Zone Atlas map with the entire property(ies) precisely and clearly outlined and crosshatched (to be photocopied)
- ☒ Letter carefully explaining how each EPC condition has been met **and** a copy of the EPC Notification of Decision
- ☒ Infrastructure List, if relevant to the site plan
- ☒ 2 copies of the Conceptual Utility Layout Plan (mark one for Planning, one for Utility Development)
- ☒ Blue-line copy of Site Plan with Fire Marshal's stamp (not required for SDP for Subdivision) - on original
- ☒ Any original and/or related file numbers are listed on the cover application

Meetings are approximately 8 DAYS after the Tuesday noon filing deadline. **Bring the original Mylar** to the meeting for sign-off. **Your attendance is required.**

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

LAWRENCE KLINE
Applicant name (print)

Applicant signature / date

Form revised September 2001

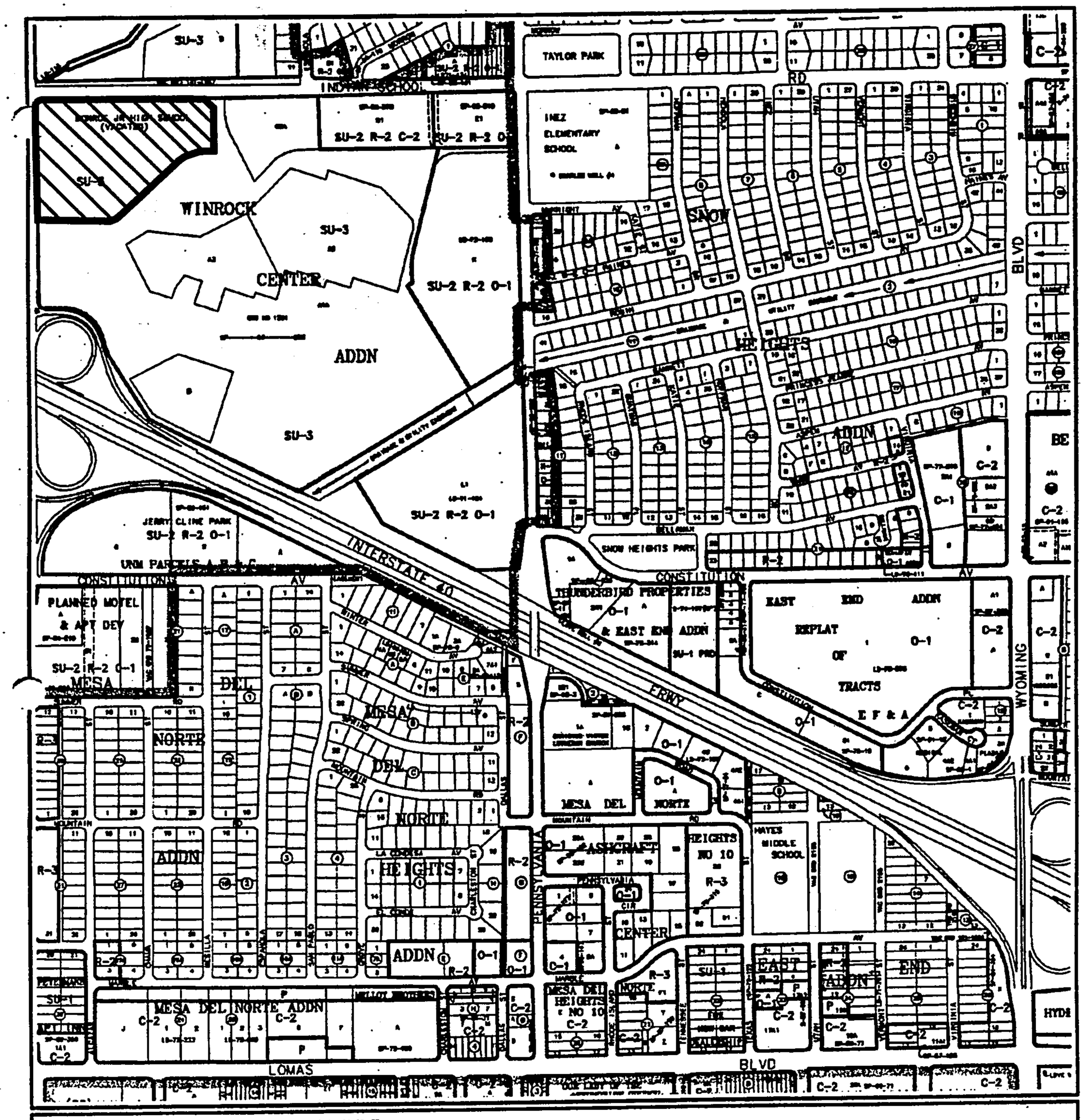
☑ Checklists complete
☑ Fees collected
☑ Case #s assigned
☑ Related #s listed

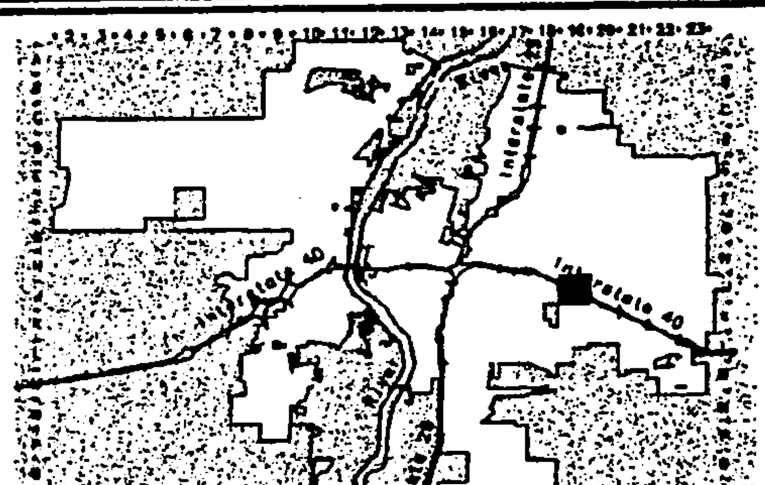
Application case numbers
02DRB-____-01708
02DRB-____-01710
____-____-____

27

Planner signature / date

Project # 1002337





CITY OF Albuquerque

A Albuquerque G Geographic I Information S System

PLANNING DEPARTMENT

© Copyright 2001

GRAPHIC SCALE IN FEET

250 0 750 1000

Zone Atlas Page

J-19-Z

Map Amended through March 21, 2001

Current DRC
Project No. _____

ORIGINAL Clare

Date Submitted.
Date Site Plan for Bldg Permit App 11/20/02
Date Site Plan for Sub. Approved: 11/20/02
Date Preliminary Plat Approved: N/A
Date Preliminary Plat Expires: N/A

Figure 12

INFRASTRUCTURE LIST

EXHIBIT "A"
TO SUBDIVISION IMPROVEMENTS AGREEMENT
DEVELOPMENT REVIEW BOARD (D.R.B.) REQUIRED INFRASTRUCTURE LIST

DRB Project No. 1002337
Application No. 02DRB01708

UPTOWN SPECTRUM
(TRACT A MONROE JR. HIGH SCHOOL)

Following is a summary of PUBLIC/PRIVATE Infrastructure required to be constructed or financially guaranteed for the above development. This Listing is not necessarily a complete listing. During the SIA process and/or in the review of the construction drawings, if the DRC Chair determines that appurtenant items and/or unforeseen items have not been included in the infrastructure listing, the DRC Chair may include those items in the listing and related financial guarantee. Likewise, if the DRC Chair determines that appurtenant or non-essential items can be deleted from the listing, those items may be deleted as well as the related portions of the financial guarantees. All such revisions require approval by the DRC Chair, the User Department and agent/owner. If such approvals are obtained, these revisions to the listing will be incorporated administratively. In addition, any unforeseen items which arise during construction which ~~which~~ are necessary to complete the project and which normally are the Subdivider's responsibility will be required as a condition of project acceptance and close out by the City.

SITE PLAN FOR BUILDING PERMIT

SIA Sequence #	COA DRC Project #	Size	Type of Improvement	Location	From	To	Private Inspector	City Inspector	City Cnst Engineer
			PUBLIC ROADWAY IMPROVEMENTS						
		76'/~~36~~ F - F	ARTERIAL PVMT. / BOTH 15' SIDWALK ~~WEST~~ SIDES STANDARD C&G, WEST SIDE MEDIAN CURB AND GUTTER	UPTOWN LOOP ROAD	~~INDIAN SCHOOL~~ LOUISIANA	~~WINROCK ENTRANCE~~ INDIAN SCHOOL	/	/	/
		125'X12'	SOUTHBOUND RT. TURN LANE	UPTOWN LOOP ROAD	AT WINROCK ENTRANCE		/	/	/
		12' WIDE	BUS BAY	UPTOWN LOOP ROAD	50' SOUTH OF INDIAN SCHOOL		/	/	/
		175'	LENGTHEN EXISTING WESTBOUND DUAL LEFT TURN LANE	UPTOWN LOOP ROAD	AT LOUISIANA		/	/	/
		325' X 12'	NORTHBOUND RIGHT TURN LANE (MAY INCLUDE BUS BAY)	UPTOWN LOOP ROAD	AT INDIAN SCHOOL		/	/	/
		150'	SOUTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N. ENTRANCE		/	/	/
		125'	NORTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N. ENTRANCE		/	/	/
		185'	NORTHBOUND RIGHT TURN LANE	UPTOWN LOOP ROAD	AT WINROCK N. ENTRANCE		/	/	/
		150'	NORTHBOUND LEFT TURN LANE	UPTOWN LOOP ROAD	AT INDIAN SCHOOL		/	/	/
		200'X12'	E. BOUND LEFT TURN LANE MODIFICATION	INDIAN SCHOOL	AT LOUISIANA		/	/	/
		200'X12'	W. BOUND DUAL LEFT TURN LANE	INDIAN SCHOOL	AT LOUISIANA		/	/	/
		200'X12'	W. BOUND DUAL LEFT TURN LANE	INDIAN SCHOOL	AT UPTOWN LOOP ROAD		/	/	/
		80'X12'	N. BOUND RIGHT TURN LANE	LOUISIANA	AT DRIVEWAY		/	/	/
		12' WIDE	BUS BAY	N. BOUND LOUISIANA	NORTH OF DRIVEWAY		/	/	/
		100'X12'	W. BOUND LEFT TURN LANE	INDIAN SCHOOL	AT DRIVEWAY		/	/	/
		90'X12'	E. BOUND RIGHT TURN LANE	INDIAN SCHOOL	AT DRIVEWAY		/	/	/

29

135'X12'	E. BOUND RIGHT TURN LANE	INDIAN SCHOOL	AT UPTOWN LOOP ROAD		
SIGNALIZATION MODIFICATION AT INDIAN SCHOOL AND LOUISIANA					
SIGNALIZATION AT UPTOWN LOOP ROAD AND INDIAN SCHOOL					

PUBLIC SANITARY SEWER IMPROVEMENTS

8" DIA	SANITARY SEWER W/ NEC. MH'S & SERVICES	UPTOWN LOOP ROAD	INDIAN SCHOOL	LOUISIANA

PUBLIC WATERLINE IMPROVEMENTS

10" DIA	WATERLINE W/ NEC. VALVES FH'S, MJ'S & RJ'S	PUBLIC EASEMENT INTERNAL TO SITE	UPTOWN LOOP ROAD NEAR DRIVEWAY ENTRANCE	UPTOWN LOOP ROAD JUST EAST OF INT. W/ LOUISIANA
10" DIA	WATERLINE W/ NEC. VALVES FH'S, MJ'S & RJ'S	UPTOWN LOOP ROAD	INDIAN SCHOOL	LOUISIANA
PUBLIC FH	EAST SIDE OF LOUISIANA	JUST SOUTH OF INDIAN SCHOOL		

PUBLIC STORM DRAIN IMPROVEMENTS

36" DIA - 48" DIA	STORM DRAIN WITH NEC. INLETS AND MANHOLES	LOUISIANA	UPTOWN LOOP ROAD	INDIAN SCHOOL
84" SD	STORM DRAIN WITH NEC. INLETS AND MANHOLES	UPTOWN LOOP ROAD	INDIAN SCHOOL	I-40 CHANNEL

30

AGENT/OWNER

BRUCE STIDWORTHY — PREPARED BY: PRINT NAME — 11/20/2002 DATE

BOHANNAN HUSTON INC. — FIRM

SIGNATURE

MAXIMUM TIME ALLOWED TO CONSTRUCT IMPROVEMENTS WITHOUT A DRB EXTENSION

11-20-04

DEVELOPMENT REVIEW BOARD MEMBER APPROVALS

Sheran Matson — ~~DRB CHAIR~~ Planning — 11/20/02 DATE

TRANSPORTATION DEVELOPMENT — 11-20-02 DATE

Roger Green — UTILITY DEVELOPMENT — 11/20/02 DATE

Christina Sandoval — PARKS & ~~GENERAL SERVICES~~ Recreation — 11/20/02 DATE

N/A — AMAFCA — DATE

Buddy D. Bohannan — CITY ENGINEER — 11/20/02 DATE

DATE

DESIGN REVIEW COMMITTEE REVISIONS

REVISION	DATE	DRC CHAIR	USER DEPARTMENT	AGENT/OWNER

HERBERT M. DENISH
AND ASSOCIATES, INC.
URBAN CONSULTANTS

November 5, 2002

Mr. Roger Green PE Acting Chair
Development Review Board
City of Albuquerque
P.O. Box 1293
Albuquerque NM 87103

HAND-DELIVERED

re: Z-98-123
Uptown Spectrum II
Request for Final DRB Sign-Off

Dear Mr. Green:

I am writing on behalf of Hunt Uptown II LLC (successors in interest to T esch Development) to respond to the conditions of approval for both the Site Plan for Subdivision and the Site Plan for Building Permit for the project known as Uptown Spectrum II, located at the southeast corner of the intersection of Louisiana and Indian School Boulevards. The site is also commonly known as the Monroe Junior High School site.

The conditions are presented herein *verbatim* in bold text; our responses are immediately below. Each of the conditions has been addressed. Where revisions to the drawings have been made in response to the conditions for Site Plan for Subdivision they are marked with large numbered circles; for conditions of the Site Plan for Building Permit, such responses are noted with large numbered triangles.

CONDITIONS OF THE SITE PLAN FOR SUBDIVISION :

1. Comply with Transportation Development Division conditions as follows:

1A: A TIS has been performed for this request. An update of the TIS /AQIA to reflect the changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan. The implementation of and/or monetary contributions for mitigation measures required subsequent to the TIS negotiations must be done by the developer and accepted by the City prior to site plan sign-off by the DRB.

500 Marquette N.W. Suite 350 • P.O. Box 2001 • Albuquerque New Mexico 87103 • Tel. 505-842-6461 • FAX 505-842-6471
3791 Southern Blvd. Suite 202 • Rio Rancho, New Mexico 87124 • Tel. 505-994-1342 • FAX 505-994-9290

RESPONSE: An TIS/AQIA was performed for an earlier version of the site plan known as Spectrum I; an update was performed by Bohannon-Huston at the request of staff when "Spectrum II" was approved by the Environmental Planning Commission. The update of the TIS has been accepted by the Public Works Department; acceptance of the update by the Air Quality Division is pending as of this date.

1-B: Implementation of applicable Uptown SDP requirements. This includes the development of the Uptown Loop Road. A proposal to realign the Loop Road from the originally agreed 'G-5 Alignment' in this section, from Louisiana Boulevard to Indian School Road, to improve intersection spacing is being considered. An agreement between this property and Winrock Center needs to be reached on the realignment.

RESPONSE: It is the applicant's understanding that the City has approved the construction documents for the southeast quadrant of the Loop Road and that bid openings will be held in the third week of November. It is our further understanding that all parties have contractually agreed to the construction of the Loop Road according to those construction documents. Further, the applicant has granted a roadway easement to the City for all rights-of-way necessary for the City's construction of the road across the applicant's property.

1-C: The modification to the design of southern entrance to America's Parkway may be considered if the proposed ramp to Interstate 40 is eliminated as part of the redesign of the I-40 Louisiana Interchange.

RESPONSE: It is the applicant's understanding that the ramp has been included in the City's construction documents and that no such design modification is being considered.

1-D: Dedication of 62 feet and 43 feet from the existing centerline, and the full width of 86 feet of right-of-way for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

RESPONSE: The existing rights-of-way for both Louisiana and Indian School have been confirmed as meeting or exceeding the required dimensions. The roadway easement granted by the applicant for the Loop Road shows 96' of width, as required by contract with the City.

1.E: Construction of the needed street improvements, including pavement, curb and gutter, signal conduit, turn bays, medians and deceleration lanes, and 6 foot to 15 foot sidewalks for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

RESPONSE: The applicant has submitted a revised infrastructure list. Many of the required improvements will be built as part of the City's Loop Road construction contract. The agreement between the applicant and the City for granting of the Loop Road roadway easement does provide that the City will build the street from curb to curb, and that the applicant is reponsible for all improvements outside the curb lines; tose improvements are included on the submitted infrastructure list.

2: The submittal of this Site Plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal indicating how the site development plan has been modified to meet the EPC conditions.

RESPONSE: This letter constitutes the required response.

CONDITIONS of the SITE PLAN FOR BUILDING PERMIT:

1. The applicant shall participate in a Transportation Management Organization (TMO), providing and installing bicycle racks or storage, employee lockers and showers, carpool and vanpool parking, and onsite ATM's as per the original agreed on traffic mitigation plan for this site (attached).

RESPONSE: The referenced Traffic Mitigation Plan was executed between Tesch Development and the City; Hunt Uptown II LLC has agreed to abide by its conditions. The applicant has been advised by the Transit and Parking Division that the applicant's assumption of Tesch's obligations pursuant to the Tesch *"Traffic Mitigation Plan"* (including payment of the fees described therein) satisfies this condition. The applicant has requested that the Transit and Parking Division confirm this in writing to the DRB.

2. The applicant shall submit for DRB review detailed plans and elevations for each building, plaza, and landscaped area which show proposed facade improvements and decorative features, etc..

RESPONSE: This condition must be viewed in the light of Condition #15. With this submittal the applicant has improved the detail and ornamentation in the elevations of the theater building while keeping with the main themes and building materials and within the envelope of the drawings approved by the EPC. The restaurants will be subject to the guidelines required by condition #15; those guidelines are to be reviewed by the EPC Site Plan Review Committee as required. The applicant is generally satisfied with the elevations of the parking garage as detailed in the EPC submittal and does not feel they require embellishment.

3. The applicant shall submit for DRB review a complete landscape plan, including all required vegetation elements, specifying such specific landscape details as bench placement, planter areas, tree planting hole and grate details, drainage, and irrigation. The applicant shall also provide landscape plans for all plaza areas, drawn in detail at a maximum scale of 1"=10'. The plan should also locate and identify lighting, signage, public art and other elements not well illustrated in the submitted plans.

RESPONSE: A general landscaping plan for the entire site has been produced (Sheet 5/21); the required "blow-ups" have been produced (Sheets 6/21 and 7/21)

4. Additional design drawings should be submitted prior to DRB showing design enhancement of the pedestrian path to the north, east of Retail I. This could include skylights, window treatment of Retail 1, furniture, color, texture, lighting, and other enhancements to make this path attractive and safe.

RESPONSE: Sheet 1/21 has been modified to show that the west wall of parking garage #1 has been pulled back from retail #1 and a skylight inserted; street furniture has been located in the walkway.

5. The north facade of Garage 1 shall be enhanced by providing display windows along the lower elevation of the garage.

RESPONSE: The display windows have been added.

6. The applicant shall conform to all applicable portions of the Americans With Disabilities Act, including providing convenient and safe access to all major entries and pedestrian connections. Pedestrian ramps shall be given locational priority over stairs.

RESPONSE: The site shall conform in all respects with ADA and New Mexico State requirements. The main east-west pedestrianway has been redesigned to give equal priority to both ramps and stairs.

7. Building and plaza signage. lighting and ornamentation shall substantially conform to the illustrations presented in the applicant's submittal package, including the booklet entitled *"Design Elements and Supplemental Information"*. Permitted ornamentation shall include one or more of these features per tenant space, to the satisfaction of the Planning Department:

- **Awnings**
- **Decorative banners, flags, streamers, etc., of a semi-permanent nature, including banners advertising public or private cultural events**
- **Light fixtures**
- **Additional Landscaping, including portable plantings**
- **Additional Pedestrian features**
- **Other amenities and decorative elements to the satisfaction of the Planning Department**

RESPONSE: Such features have been added to the elevations at various locations marked with a "7" within a triangle. A note on the site plan requires that each building be reviewed at time of building permit for compliance with this provision.

8. Illuminated signage is not permitted on the east building facades from 26' above finish grade to the uppermost building elevation.

RESPONSE: Only two signs met this criterion (east hotel/office/condo elevation and east theatre elevation)) and both have been marked as "non-illuminated".

9. Monument signs shall not be higher than 10' or greater than 100 square feet in area. The number of monument signs shall be restricted to four, one at the entrance on Indian School Road, one at the northeast corner of the site, one at the Americas Parkway entrance, and one at the Louisiana Boulevard entrance.

RESPONSE: A detail of the sign appears on Sheet 12/21 and the locations are marked on the site plan in accordance with this requirement.

10. The signage criteria submitted is [sic] a condition of approval except where it may conflict with the Zoning Code or with the Uptown Sector Plan. Delete the criteria which prohibits flags and banners.

RESPONSE: Note "I" has been deleted from Sheet 12/21.

11. Standard parking spaces are 20' x 8.5' and shall be so noted on the site plans.

RESPONSE: The applicant assumes this refers to surface parking spaces. They are shown as 8.5 feet wide and 18 feet long with a 2-foot overhang as is standard practice permitted by the DPM.

12. Provide pedestrian connections to adjacent uses at Winrock Center including clearly marked textured alternative paving across the loop road. A connection across Americas Parkway at mid site along the east property line shall be 20 feet wide, this connection shall occur directly to the north of the access road. All pedestrian crossings of drive aisles shall have textured pavement and a minimum 8 foot width.

RESPONSE: The required walkways have been shown in the required locations.

13. Comply with the following Transportation Development Division conditions:

A-1: Modifications to the Indian School Road entrance: provision of a deceleration lane (includes dedication & construction).

RESPONSE: The lane will be constructed by work order as part of the infrastructure list; if additional right-of-way is needed, the applicant believes it can be granted by easement.

A-2: Modification of entrance to include adequate space for all traffic movements either entering or leaving the site, and an adequate throat area for queuing of traffic entering or leaving the parking structure.

RESPONSE: To the best of the applicant's knowledge the dimensions shown on the site plan are sufficient to meet this requirement.

A-3: The entrance will operate as a full movement access point, construction of a median opening for left turns will be required. Additional right-of-way may be required as determined by the requested traffic analysis.

RESPONSE: The median is already cosntructed with the requisite turn lane; it does not appear that any additional right-of-way is required.

B-1: Modifications to the east side entrance. must be 40 feet wide to accommodate a 16 foot entrance lane & two 12 foot exit lanes for approximately 50 feet before the transition to 30 feet in width. .

RESPONSE: The required dimensional changes have been made.

B-2: The hotel entrance must be 30 feet in width; the turnaround at the 'Porte cochere' entrance must have a minimum radius of 30 feet; and provision of an exit lane with a maximum width of 18 feet, and intersect at a 60 degree angle with the Loop Road.

RESPONSE: The cul-de-sac has been eliminated. The driveway intersection is set at the requested angle.

C-1. Modifications to the south side entrance: entrance must be a service drive exit only.

RESPONSE: The exit lane is thus configured and marked.

C-2: The exit must intersect west of the Interstate 40 Ramp I Loop Road intersection.

RESPONSE: The intersection is in the proper place.

C-3: The 20 foot exit lane must intersect at a 45 to 60 degree angle to the Loop Road.

RESPONSE: The intersection is set at the proper angle.

D. Provision of adequate pedestrian circulation with handicapped features within the site and to the adjacent streets, this includes connections to the adjacent residential and commercial developments.

RESPONSE: With the addition of the main walkway across the Loop Road, the major pedestrian connections are shown. All intersections have appropriate handicapped ramps.

E. The site plan must identify surrounding uses and provide dimensions where appropriate, i.e., structures, streets, drive aisles, parking spaces, walls, signs, etc.

RESPONSE: All adjacent uses are accounted for and the location of existing signage, drive aisles, etc. are shown.

F. Vehicular and pedestrian circulation pattern must be developed to the satisfaction of the Traffic Engineer.

RESPONSE: The applicant believes that witht he modifications made in response to the conditions, this plan reflects a vehicular and pedestrian plan acceptable to the traffic engineer.

G. Provision of direction pedestrian access from parking garage elevators to the proposed pedestrian mall.

RESPONSE: The elevators in both parking garages have been oriented so that they directly access pedestrian areas.

H. The completion of the Americ's [sic] Parkway should be determined and participants are urged to complete negotiations as quickly as possible.

RESPONSE: As previously noted the applicant has granted a roadway easement to the City for the purposes of constructing the Loop Road.

14. The submittal of this Site Plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal indicating how the site development plan has been modified to meet the EPC conditions.

RESPONSE: This letter constitutes the required description of the applicant's response to the Notification of Decision.

15. The restaurant shall be architecturally integrated into the overall site architecture period. Guidelines shall be developed and submitted to the EPC site plan review committee .

RESPONSE: A separate sheet of architectural guidelines has been added to the set; these guidelines are under review by the EPC Site Plan Review Committee.

16. Street trees shall be added at 30 feet on center on the west side of the restaurant building along Louisiana.

RESPONSE: The required trees have been added. (Sheet 5/21)

17. Delete the walkways shown on the east, west and south side of the parking garage number 2 convert it to landscaping.

RESPONSE: The walkway areas have been converted to landscaping as shown on Sheet 5/21.

18. Improve pedestrian connections from garage number 2 to the pedestrian ways to the east, west, and south of the site.

RESPONSE: In lieu of the walkways deleted by the previous comment, walkways have been extended across the internal streets to other pedestrian ways (Sheet 5/21)

19. Widen the sidewalk directly to the east of the south restaurant; the sidewalk runs in a east/ west direction. Shade trees shall be added at 25 feet on center along the pedestrian way.

RESPONSE: The sidewalk has been widened and the trees added.

20. Housing units shall be added to the site at a rate of 1 unit per 2,000 square feet of retail above the 10% former requirements up to a maximum of 20% of retail on the site. Parking shall be required at a maximum of 1 space per unit.

RESPONSE: 24 housing units have been shown on the upper level of Garage #2; alternatively, the top floor of the hotel/office building could be converted to condominium usage. The parking tabulation shows one space per unit, but does not take into account the likelihood of shared parking activities on-site.

21. Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of I parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

RESPONSE: Each unit has a deck or balcony meeting the open space requirement. This application has simultaneously been submitted to the Planning Director for the purpose of reviewing compliance with this requirement.

The applicant believes the application is in all respects complete and that each of the conditions has been met. We respectfully request the Board's consideration

Sincerely yours,

Lawrence Kline AICP
for Hunt Uptown II LLC

cc: Gary Sapp
TomWaggoner
Chris Gunning AIA
James Topmiller PE

HERBERT M. DENISH
AND ASSOCIATES, INC.
URBAN CONSULTANTS

December 2, 2002

Alan Schwartz, Chairman
Environmental Planning Commission
600 2nd Street NW
Albuquerque, NM 87103

Re: Uptown Spectrum II DRB Submittal, Conditions of Approval 15 and 21, Project #1002337

Dear Chairman Schwartz:

At the request of Mr. Paulsen of the Planning staff, I am writing to you on behalf of our client, Hunt Uptown II, to explain our views on a couple issues related to the questions the staff is bringing before you at the hearing on December 5.

We are currently in the process of seeking DRB final sign-off for the Z-98-128 – the "Uptown Spectrum" plan. This plan was approved by the EPC on October 15, 1998; however, final approval was never granted as this case was impacted by two appeals. The Site Plan was dependent upon an amendment to the Uptown Sector Plan, which amendment was approved at the same time as the Site Plan was approved. Both the Site Plan Approval and Sector Plan Amendments were appealed to the New Mexico Courts.

The Sector Plan Amendment was appealed in Prudential Insurance Company of America v City of Albuquerque (CV-99-002039). The Site Plan was appealed in Inez Neighborhood Association v. City of Albuquerque (CV-99-01991). The Sector Plan Amendment appeal was resolved on January 10, 2001 when the New Mexico Courts denied Prudential's petition for further appeal. The Site Plan Approval appeal was resolved on January 8, 2002 when the appeal was voluntarily dismissed by the appellants.

The other issue which has arisen is this: Two conditions of the EPC were required to receive further review by the "EPC Site Plan Review Committee" prior to making the DRB submittal. The EPC Site Plan Review Committee was a three-person committee of the EPC which reviewed minor site plan design issues at meetings which we understood were neither publicly advertised nor open to public comment. In early October of this year, prior to submitting for DRB final

500 Marquette N.W. Suite 350 • P.O. Box 2001 • Albuquerque New Mexico 87103 • Tel. 505-842-6461 • FAX 505-842-6471
3791 Southern Blvd. Suite 202 • Rio Rancho, New Mexico 87124 • Tel. 505-994-1342 • FAX 505-994-9290

sign off, we sought the advice of Planning staff on how to comply with these two conditions. Planning Staff informed us that this committee is now defunct and that the EPC has no intention of reviving it. Upon direction from City legal counsel and members of the Planning Commission, Planning staff determined that the appropriate course of action was to bring these matters to the Planning Commission at its December 5th hearing.

The two conditions are:

15. The restaurant architecture shall be architecturally integrated into the overall site architecture period. [sic] Guidelines shall be developed and submitted to the EPC site plan review committee.

21. Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

For the purposes of your review relative to these conditions, we are providing at the staff's request the following sheets from our DRB submittal:

Sheet 1, the overall Site Plan for the site.
Sheet 5, the Landscape Plan, in order to show the site plan in a more readable form.
Sheets 9,14 and 16, for the purposes of determining compliance with Condition 21, elevation sheets of the proposed housing units: including their potential location in the hotel/office/condo building or on top of a parking garage.
Sheet 17: Design Guidelines for restaurant building architecture for the purposes of determining compliance with Condition 15.

We have made all the modifications to the submittal as required by the EPC's Conditions of Approval. Final DRB approval is pending your review of the two Conditions presently before you.

We thank you for your assistance in this matter and look forward to receiving your support as we move forward with our project.

Sincerely,

Lawrence S. Kline, AICP

MYERS, OLIVER & PRICE, P.C.
LAWYERS
1401 CENTRAL AVENUE, N.W.
ALBUQUERQUE, NEW MEXICO 87104

JOHN A. MYERS
SCOTT OLIVER*
CHARLES P. PRICE III
KEVIN J. McCREADY
HOPE MEAD WYNN

*ALSO LICENSED IN TEXAS

TELEPHONE
(505)247-9080

FACSIMILE
(505)247-9109

e-mail: jmyers@moplaw.com

January 9, 2003

Alan Schwartz, Chairman
Environmental Planning Commission
c/o Planning Department, City of Albuquerque
600 2nd Street NW, 2nd Floor
Albuquerque, New Mexico 87102

Re: Appeal of DRB Decision Dated November 20, 2002/Project No. 1002337/02 DRB-01710 Site Development Plan for Subdivision/02 DRB-01708 Site Development Plan for Building Permit

Dear Chairman and Commissioners:

This office represents Hunt Uptown II, L.L.C. ("Hunt") with respect to its applications for final sign-off by the City's Development Review Board ("DRB") of the Site Development Plan for Subdivision ("Subdivision Site Plan") and Site Development Plan for Building Permit ("Building Permit Site Plan") for the Monroe Junior High Site, also referred to as the Spectrum II Plan (the "Monroe Site").

On December 3, 2002 PruWinrock, L.L.C. ("PruWinrock") filed an appeal through its agents, Rodey, Dickason, Sloan, Akin & Robb, P.A. (the "Rodey Firm") of actions taken by the DRB on final sign-off of the Subdivision Site Plan and the Building Permit Site Plan (the "Current Appeal").

Factual Background

On October 15, 1998, the EPC voted to recommend approval to the City Council certain amendments (the "Sector Plan Amendments") to the Uptown Sector Development Plan (the "Uptown Plan"), approved the Subdivision Site Plan for the Monroe Site with conditions and approved the Site Plan for Building Permit for the Monroe Site with twenty-one (21) conditions. The Building Permit Site Plan was dependent upon the Sector Plan Amendments. The applicant for these actions was the then contract purchasers from the Albuquerque Public Schools ("APS") of the Monroe Site (the "Tesch Group").

The Sector Plan Amendments required enactment by the City Council. The Subdivision Site Plan and Building Permit Site Plan approvals were appealed to the City Council. In February 1999, the City Council adopted the Sector Plan Amendments, and denied the appeal of the Subdivision Site Plan and the Building Permit Site Plan approvals.

The Sector Plan Amendments were appealed to the New Mexico District Court by the Prudential Insurance Company of America ("Prudential"). Prudential filed the appeal as the owner of Winrock Center. Prudential is the predecessor to PruWinrock, the appellant in the Current Appeal. Prudential was represented in these appeals by the Rodey Firm. The Subdivision Site Plan and the Building Permit Site Plan approvals were appealed to the New Mexico District Court by a group of neighborhood associations. The cases were consolidated upon appeal.

Final appellate court action was taken on Winrock's appeal of the Sector Plan Amendments when the New Mexico Court of Appeals issued its Mandate on March 14, 2001. The Mandate transmitted to the District Court the Court of Appeal's order denying Winrock's petition for further appeal. The Site Plan Approval Appeal was resolved on January 8, 2001 when the appeal was voluntarily dismissed by the appellants. Therefore, these appeals left unresolved the status of the Monroe Site Plans for almost two and one-half (2½) years. Copies of these decisions and orders are enclosed.

Subsequent to the original approvals for the Monroe Site, the Tesch Group's contract to purchase the Monroe Site terminated. In April, 2002, Hunt purchased the Monroe Site and began the process of evaluating the alternatives for development of the Monroe Site. After consideration of an alternative plan for the Monroe Site, Hunt elected to perfect the approval of the Subdivision Site Plan and Building Permit Site Plan for the Monroe Site as reviewed by the EPC, making application to the DRB in early November 2002.

On November 20, 2002, the DRB considered the Subdivision Site Plan and the Building Permit Site Plan for final sign-off. Two members of the DRB, the Parks representative and the Utilities representative, signed-off on the site plans with final sign-off delegated to the City Engineer, the Transportation Development Department, and the Planning Department. Final sign-off was not given at the November 20, 2002 hearing, as there were additional matters to be resolved to the satisfaction of the other DRB representatives.

Subsequent to the November 20, 2002 hearing, all outstanding conditions imposed by the EPC have been satisfied. On January 7, 2003 final sign-off was received on these Site Plans. Conditions which were satisfied subsequent to the November 20, 2002 DRB hearing included: (i) verification of compliance with Conditions No. 15 and No. 21 which were referred to the EPC Site Plan Review Committee, but approved by the full EPC on December 5, 2002, and (ii) Hunt entering into a subdivision improvement agreement with the City whereby Hunt obligated itself to construct certain infrastructure and Hunt posted a financial guarantee of approximately $700,000.00 securing its obligations.

I. THE APPEAL WAS PREMATURE

PruWinrock filed its appeal to the EPC on December 3, 2002, prior to the DRB completing the task from which the appeal was taken. The final sign-off occurred on January 7, 2003. Such a premature appeal is contrary to law, and to have considered such an appeal would have led to untenable results.

The actions before City boards are administrative proceedings. The law in New Mexico, as well as the general law across the country, is that an administrative decision is not subject to review until the decision is final, that is the "administrative order must have nothing further for the agency to do." 2 Am. Jur. 2nd Administrative Law §381, Pg. 382. The same principle applies to court review of administrative actions. The court in Mills v. New Mexico State Board of Psychologist Examiners, 123 NM 421, held that courts may not review actions of administrative actions until those actions are final. This same self-evident principle applies to appeals in the New Mexico courts which have a "final judgment" rule which provides that generally appeals may not be taken until a final judgment has been entered by the lower court.

Now that the DRB has completed its work, PruWinrock's appeal is "ripe" for consideration by the EPC. However, the appealable issues, if any, are very narrow.

II. THE APPEALABLE ISSUES ARE LIMITED

When the Site Plans were approved by the EPC, Winrock was afforded the opportunity to be heard on its concerns regarding the Site Plans. PruWinrock's representatives were present and were heard, and Winrock exhausted its administrative and court appeals on their grievances with the Site Plans. The DRB sign-off of the Site Plans is to certify to a site plan as presented to the EPC which incorporates all conditions imposed by the EPC. In this action the DRB is not vested with the right to modify the Site Plans as approved by the EPC. Therefore, the Site Plans as signed off are exactly as approved and conditioned by the EPC. Winrock had the opportunity and has exercised its right to appeal the EPC's decision; Winrock is not entitled to "another bite at the apple".

Therefore, if the DRB sign-off is appealable at all, the appeal must be limited to the issue of whether the Site Plans as signed-off by the DRB are as approved by the EPC.

III. THE SUBDIVISION SITE PLAN AND BUILDING PERMIT SITE PLAN APPROVALS HAVE NOT LAPSED

Winrock asserts that the Subdivision Site Plan and Building Permit Site Plan approvals for the Monroe Site have lapsed pursuant to Section 3H(11) of the Uptown Plan which provides, in part, as follows:

The portions of Site Development Plans showing structures that have not obtained building permits within two (2) years of Site Plan Approval shall be void…

In the Spring of this year, prior to pursuing final approval of the Subdivision Site Plan and Building Permit Site Plan, Hunt, through its agents, sought confirmation from the City Planning Department that these approvals had not somehow lapsed. Hunt received confirmation from the Planning Director that "the City does not require that a Site Plan for building permit approved by the Planning Commission be brought before the DRB on any given schedule". A copy of the Planning Director's letter is attached. We assume that the basis for the Planning Director's statement was that the two (2) year "clock" does not start to run until final approval of the Site Plans by the DRB. This is a reasonable construction, as prior to DRB sign-off, the Site Plan has no legal effect, there is no "approval" and no building permits can be issued.

Moreover, construing the two (2) year clock to start running at EPC approval (versus DRB sign-off) would result in a substantial likelihood that site plan approvals would lapse prior to completion of development. Under the best of circumstances, for complex mixed use projects, the DRB approval process takes a substantial period of time following EPC approval. Following an EPC decision on a site plan, the applicant must comply with all conditions imposed by the EPC. With the Monroe Site, the Building Permit Site Plan had twenty-one (21) conditions, many of which had sub-conditions. These conditions include the obligation to construct about $700,000.00 in infrastructure. Satisfying these conditions takes time. Therefore, starting the two (2) year period running at EPC approval would substantially reduce the likelihood that a project would be built out within this time frame.

In the alternative, should the City determine that the two year clock starts running upon EPC approval, law and equity mandate that the two (2) year period begins to run only after all appeals have been resolved. In this case, PruWinrock urges the City to declare the Site Plan Approvals to have lapsed when PruWinrock's predecessor, through PruWinrock's attorneys, kept the EPC approvals under appeal in the courts for over two (2) years, including various rejected procedural maneuvers that substantially prolonged the appeal process. Winrock's appeals were defeated, however now PruWinrock asserts that it has *de facto* prevailed in its appeals simply by keeping the appeal process alive for over two (2) years. This is an outrageous assertion.

IV. HUNT HAS PROPERLY SATISFIED BUILDING PERMIT SITE PLAN APPROVAL CONDITION NO. 21

Condition No. 21 to the Building Permit Site Plan approval provides as follows:

Each housing unit shall have a minimum of eighty (80) square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of one (1) parking space per unit. The revised Site Plan shall be submitted to the EPC Site Plan Review Committee for final approval prior to DRB submittal.

At the time of the EPC approval of the Building Permit Site Plan, the EPC had established a Site Plan Review Committee. The Site Plan Review Committee reviewed certain site plan amendments at meetings which were neither publicly advertised nor open for public comment. The EPC no longer has a Site Plan Review Committee. Therefore, in early October of this year, prior to submitting for DRB final sign-off, Hunt sought the advice of the City planning staff on how to comply with this condition. Upon direction from the City legal counsel and members of the EPC, the staff determined that the appropriate course of action would be to present this issue to the full Commission at the December 5, 2002 hearing.

The Planning Department representative on the DRB reserved sign-off on the Building Permit Site Plan pending the EPC review of the Site Plan for compliance with this condition. On December 5, 2002, at an advertised public hearing, the EPC approved the location of the housing units and the associated open space. Subsequent to this action by the EPC, the Planning Department representative signed off on the Site Plans. The Planning Department's reservation of its approval pending this action satisfies the timing requirement of this condition.

V. HUNT IS SATISFYING ALL OF THE EPC CONDITIONS OF APPROVAL OF THE BUILDING PERMIT SITE PLAN

Winrock asserts that the DRB has taken action prior to satisfaction of all of the conditions imposed upon Hunt by the EPC for approval of the Site Plans. As of the date of the filing of the Current Appeal, all of the conditions had not been satisfied and for that reason the DRB had not taken final action on the sign-off of the Site Plans, resulting in this appeal being premature. It is ironic that PruWinrock filed its appeal before the DRB's work was done and asserts as one of its grounds for appeal that the DRB's work was not done.

PruWinrock asserts that the following conditions have not been satisfied:

- Condition No. 15. Which provides as follows:

  The restaurant shall be architecturally integrated into the overall site architecture. Guidelines shall be developed and submitted to the EPC Site Plan Review Committee.

This condition was satisfied by the EPC's approval of these guidelines at its December 5, 2002 meeting.

- Condition No. 21. Which provides as follows:

  > Each housing unit shall have a minimum of eighty (80) square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of one (1) parking space per unit. The revised Site Plan shall be submitted to the EPC Site Plan Review Committee for final approval prior to DRB submittal.

This condition was satisfied by the EPC's approval at its December 5, 2002 meeting of the portions of the Site Plan showing how the open space has been provided for the housing units. PruWinrock argues that this condition is intended to require a complete review of the Site Plan by the EPC rather than a review of the treatment of the housing unit's open space. It is a strained reading of this condition to suggest that the second sentence in the condition does not relate to the first sentence.

- Condition No 1(B). Condition No. 1(B) to the Subdivision Site Plan provides, in part, as follows:

  > An agreement between this property and Winrock Center needs to be reached on the realignment [of the loop road].

By agreement entitled "Interstate 40/Louisania Boulevard Interchange and Road Improvements Agreement", Prudential, the City and the New Mexico Transportation Department entered into an agreement which established the alignment of the loop road and provided for the dedication of the necessary rights-of-way and construction obligations to complete the loop road. This agreement satisfied the intent of this condition to ensure that agreements were in place for the completion of the loop road.

The loop road alignment on the site plans is as approved by the EPC for the Monroe Site and is consistent with the loop road alignment provided for in the Winrock road agreement.

- Condition 1A. Condition No. 1A to the Site Development Plan for Subdivision provides, in part, as follows:

  > A. TIS has been performed for this request. An update of the TIS/AQIA to reflect the changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan.

The original TIS performed for the Monroe Site related to a site plan approved in Case No. 96-119. The Building Permit site plan the subject of this appeal was approved by the EPC in this action in case No. Z-98-123. This reference to the TIS update was to differentiate between the land uses in the two Site Plans considered by the EPC. This update was performed and approved by the Transportation Development Department. A copy of the letter making this comparison is attached. PruWinrock asserts that the addition of the housing units mandates additional traffic analysis. However, to encourage residential development in Uptown, the Uptown Plan specifically provides that traffic analysis shall be limited to the evaluation of traffic from "non-residential uses" (Uptown Plan Page 37). Therefore, this additional analysis is not required.

VI. THE DRB DID NOT VIOLATE NOTICE REQUIREMENT

Winrock argues that the City failed to satisfy certain notification requirements as a result of the characterization of the Site Plans as "minor" in nature. The City regulations have no provision for "minor" site plans, and therefore Winrock's arguments appear to be misguided. Winrock references the definition of a "minor subdivision". However, no subdivision actions are involved in these proceedings and reliance on this definition is misplaced.

Winrock quotes in its appeal Section 14-16-2-22(A)(6) which relates to the Planning Director's authority to approve "minor changes to approved site development plans". This reference is also misguided. Section 16 of the Zoning Code relates to the SU-1 Special Use Zone. The Monroe Site is not located within the SU-1 zone, but is zoned SU-3 pursuant to the Uptown Plan; very different zones with very different issues and goals. Section 3(H)(9) of the Uptown Plan dictates the procedures for the Planning Director's approval of "minor changes to an approved site development plan". This provision of the Uptown Plan does not contain the notification requirements specified for minor changes to site plans within the SU-1 zone.

Even if this section of the Zoning Code relating to the SU-1 zone were to be applied to the SU-3 zone it would not be applicable to this situation. This section, as well as the similar section in the Uptown Plan, relate to amendments to an approved site plan. The action before the DRB in this case is not an amendment of approved site plans, but is the initial approval of Site Plans considered at the public hearing before the EPC. Even if the SU-1 section was applicable, and DRB sign-off of the Plan satisfying the EPC conditions was determined to be an "amendment" to an approved site plan, these sections would not trigger notification requirements.

Winrock, asserts that the addition of the mandated housing units increases the building square footage by more than two percent (2%). Such an increase might trigger public notice pursuant to the SU-1 section. The Site Plan as presented to the DRB depicts housing units located on the top of a parking structure. Alternatively, the Site Plan

earmarks the top two floors of a high rise as the mandated housing units. These housing units were presented to the EPC on December 5, 2002 for its review. To achieve a more desirable and compatible land use mix, and at Hunt's urging, the EPC approved the location of the housing units in the high rise. This results in no net increase in building square footage from the plan that was originally presented to the EPC.

Finally, PruWinrock cannot be aggrieved by lack of notice when it has fully and actively participated in all of the DRB proceedings.

VII. CONCLUSION

Hunt respectfully requests that the EPC reject Winrock's appeal and uphold the final action by the DRB.

Sincerely,
Myers, Oliver & Price, P.C.

By: _____
John A. Myers

JAM/ck
Enclosure
cc: Vic Chavez, Director
Bob Paulsen, Principal Planner
Roger Green, DRB Chair
Sharon Matson
David Suffling, Esq.
Kevin Curran, Esq.
John Salazar, Esq.
Michelle Henrie, Esq.
Mr. Gary Sapp
Mr. Herb Denish
H:\HUNT\JAM\LETTERS\Ltr to Envir. Plan Comm 2.doc

SECOND JUDICIAL DISTRICT
COUNTY OF BERNALILLO
STATE OF NEW MEXICO

THE PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey corporation,

Appellant,

vs.

CITY OF ALBUQUERQUE, a New Mexico municipal corporation,

Appellee,

and

UPTOWN SQUARE, LTD.,

Interested Party.

ENDORSED
FILED IN MY OFFICE THIS
MAR 0 2 1999
CLERK DISTRICT COURT

DEAN [illegible]

No. CV-'99 00 20 39

NOTICE OF APPEAL

Pursuant to NMSA 1978, § 3-21-9 (1998), NMSA 1978, § 39-3-1.1 (1998) and Rule 1-074, NMRA 1999, The Prudential Insurance Company of America, through its counsel, Rodey, Dickason, Sloan, Akin & Robb, P.A. (John P. Salazar), hereby gives notice of its appeal of the decision rendered on February 1, 1999, by the City Council of the City of Albuquerque in File SD 95-4-2/Z-98-123 (Bill R-154), proposed by Uptown Square, Ltd. A copy of the Notification of Decision is attached.

57

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By _____

John P. Salazar
P.O. Box 1888
Albuquerque, NM 87103-1888
Telephone: (505) 765-5900
Attorney for Appellant

51

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

No. 21881

THE PRUDENTIAL INSURANCE COMPANY
OF AMERICA, a New Jersey corporation,

Petitioner-Appellant,

vs.

CITY OF ALBUQUERQUE, et al.,

Respondent-Appellee.

Bernalillo County
CV-99-1991

MANDATE TO DISTRICT COURT CLERK

(Applicable items are indicated by an "X" below.)

1. __X__ Attached is a true and correct copy of the original (decision/order) entered in the above-entitled cause.

2. __X__ This (decision/order) being now final, the cause is remanded to you for any further proceedings consistent with said (decision/order).

3. _____ Writ of Certiorari having been issued by the New Mexico Supreme Court and their decision being final, this cause is remanded to you for any further proceedings consistent with said Supreme Court decision attached hereto.

4. _____ You are directed to issue any commitment necessary for the execution of your judgment and sentence.

5. _____ District Court Clerk's Record returned herewith:
_____ tapes; _____ transcript; _____ depositions; _____ other.

6. _____ Exhibits filed herein shall be:
_____ picked up at this Clerk's Office forthwith.
_____ returned by this Clerk's Office.

7. _____ Cost Bill is assessed as follows:

9. _____ Attorney fees on appeal are granted as follows:

By direction of and in the name of the Chief Judge of the Court of Appeals, this 14th day of March, 2001.

(SEAL)

Patricia R. Wallace
Clerk of the Court of Appeals of the
State of New Mexico

S. Jones
Patricia R. Wallace
Clerk of the Court of Appeals
of the State of New Mexico
by S. Jones

cc: Counsel w/out attachments

IN THE COURT OF APPEALS OF THE STATE OF NEW MEXICO

PRUDENTIAL INSURANCE COMPANY OF AMERICA, a New Jersey corporation,

Petitioner-Appellant,

vs.

No. 21,881
Bernalillo County
CV--99-1991

CITY OF ALBUQUERQUE, a New Mexico municipal corporation,

Respondent-Appellee,

and

UPTOWN SQUARE, LTD.,

Interested Party-Respondent,

and

ALBUQUERQUE MUNICIPAL SCHOOL DISTRICT NO. 12, COUNTIES OF BERNALILLO AND SANDOVAL, a political subdivision of the State of New Mexico,

Intervenor-Respondent.

_____/

FILED
01 JAN 10 PM 3:46
COURT OF APPEALS
STATE OF NEW MEXICO
P.R. WALLACE, CLERK

ORDER

This matter having come before the Court on Petitioner-Appellant Prudential Insurance Company of America's petition for writ of certiorari, and due consideration having been had,

IT IS HEREBY ORDERED that the petition for writ of certiorari is **DENIED**.

A. JOSEPH ALARID, Judge

RICHARD C. BOSSON, Judge

JONATHAN B. SUTIN, Judge

City of Albuquerque
P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

April 12, 2002

Mr. Lawrence S. Kline AICP
Herbert M. Denish and Associates
PO Box 2001
Albuquerque NM 87103

Re: DRB-97-178 - "Uptown Spectrum"

Dear Mr. Kline:

In my capacity as City Planner, I am writing in response to your letter of March 13, 2002 inquiring as to the state of approvals of the above referenced project.

After review of our files and discussion with my staff, I can state the following:

The Site Plan for Subdivision and Site Plan for Building Permit were submitted to the Development Review Board (DRB) for final sign off pursuant to approval by the Environmental Planning Commission as case #DRB-97-178. The Uptown Spectrum project was last reviewed by the DRB on June 16, 1998. At that time agency comments were issued and an infrastructure list was prepared and submitted. The DRB has not received a response to the written comments, nor has the infrastructure list been signed, or a Subdivision Improvements Agreement executed.

On November 23, 1998, the DRB received a letter from the agent, George Rainhart Architects, requesting indefinite deferral of the matter . That request was accepted. It was our understanding that the project approval had been appealed from the Planning Commission decision and that the agent did not wish to proceed with DRB approval until the appeals were resolved. I have confirmed with the Assistant City Attorney, Mr. David Suffling, that in fact all appeals related to the case have been resolved.

The City does not require that a Site Plan for Building Permit approved by the Planning Commission be brought before the DRB on any given schedule. By virtue of the fact that an indefinite deferral was requested and granted in this matter, the DRB's action related to Uptown

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

Spectrum is not complete. And until it is complete, no building permits can be issued on the site.

However, the case can be re-opened by re-submitting the required documents to the DRB. Given that agency comments and infrastructure lists have already been formulated, and providing there are no substantial changes to the plan approved by the Planning Commission, the case should move through the DRB process relatively quickly.

I would like to emphasize that the only plan which can be used to re-open this case is the plan which was before the DRB at their hearing on June 16, 1998; to assure proper documentation I have attached a copy of that plan for your reference. Please be aware that this Site Plan sheet is attached to several other sheets of building elevations and so on, also approved by the Planning Commission, which are available to you at your leisure.

Also be aware that any substantial deviation from this plan will require resubmittal not to the DRB, but back to the Planning Commission. So I caution you that to truly re-open this case at the DRB level, you must be prepared to accept the plan, and all the conditions appurtenant to it, "as is".

Also be aware that approval of the plan pursuant to a Planning Commission approval does not in any way relieve the applicant of compliance with all other applicable City ordinances and policies in regard to the issuance of a building permit.

We look forward to your application and as always will assist you in every way in bringing your project to fruition.

Sincerely,

Victor Chavez PE
Planning Director

cc: Fred Aguirre, City Engineer
Kevin Curran Esq.

copy to
Eric
Wrage

5057

September 30, 1998

original to James T.

Joe David Montaño, P.E.
Transportation Planner
City of Albuquerque
Transportation Division/PWD
P.O. Box 1293
Albuquerque, NM 87103

Copy

HANNAN HUSTON
rlyard One
) JEFFERSON NE
querque
MEXICO 87109
505.823.1000
05.821.0892

Re: **REVISED SUBMITTAL**
Changes in Land Use for Uptown Development at Monroe School Site
DRB Case Number: 98-178, EPC Case Number: Z-96-119

Dear Joe David:

Enclosed is documentation of the revised changes in land use at the above referenced project. This submittal is to replace the letter to you dated August 21, 1998. Table 1 is the number of trips generated by the approved development and Table 2 contains the trips generated by the proposed development. The site plan for the proposed development is also attached. This is provided to compare the trips generated by the proposed land uses in the development with assumptions used in the original study.

As we discussed, the proposed land use changes do not increase the number of peak hour trips for the development. Therefore the conclusions of the original traffic impact study and the improvement requirements identified continue to be valid and will maintain acceptable levels of service on the local transportation system.

We are also working with Jim Barr and Taschek Environmental Consulting to determine the net effect on the air quality analysis due to this proposed change. Please feel free to contact me or Eric Wrage regarding any questions you may have. Thank you.

Sincerely,
Bohannan Huston

Albert M. Thomas, P.E.
Vice-President & Managing Partner
Traffic & Transportation Group

AMT/jc
Enclosure

cc: Amar Tesch, Tesch Development
George Rainhart, Architects & Associates
Richard Dourte, City of Albuquerque
Tony Loyd, City of Albuquerque
Jim Barr, City of Albuquerque

~~80~~ 57

Table 1 – Approved Trip Generation As Per Traffic Study

Land Use (ITE Code)	24 Hour Two - Way Volume	AM Peak Hour Enter	AM Peak Hour Exit	PM Peak Hour Enter	PM Peak Hour Exit
Hotel - 200 rooms (310)	1,740	80	54	82	70
General Office - 331,700 sf (710)	3,474	432	53	76	373
Walgreens - 15,600 sf					
Pass-By (20% PM only)				35	33
Non Pass-By		49	45	140	132
Retail 19,500 sf (820 Shop. Ctr.)					
Pass-By				70	70
Non Pass-BY	2,544	39	23	116	116
Quality Restaurant - 14,000 sf (831)	1,344	0	0	69	34
Total without Movie Theater					
Pass-By				105	103
Non Pass-By		600	175	483	725
5% peak hour trip reduction for mixed use development		30	9	29	41
Total with reduction					
Pass-By				100	98
Non Pass-BY		570	166	459	689
Movie Theater - 90,000 sf (444). Based on 16-screen movie theater 250 seats per screen.		0	0	293	187
Total with Theater and reduction					
Pass-By				100	98
Non Pass-By		570	166	752	876

Table 2 – Proposed Trip Generation

Site Plan Land Use	Land Use - (ITE Code)	24 Hour Two - Way Volume	AM Peak Hour Enter	AM Peak Hour Exit	PM Peak Hour Enter	PM Peak Hour Exit
Movie Theater (Located Above Parking Garage)	Movie Theater – 70,000 sf Based on 3,000 seats (14 screens) *	5,280	0	0	256	164
Hotel	Hotel – 300 rooms (310)	2,469	102	66	96	87
Restaurant 1	Quality Restaurant – 8,500 sf (831)	765	0	0	43	21
Restaurant 2	Quality Restaurant – 10,500 sf (831)	944	0	0	53	26
Retail 1	Retail - 26,000 sf (815 Free Stnding)	1,472	17	9	55	55
Retail 2	Retail - 12,500 sf (815 Free Stnding)	708	8	4	27	27
Retail 3, 4, 5, 6 & 7	Retail - 16,845 sf (814 Spclty Rtl. Ctr.)	685	0	0	19	25
Shops in Theater	Retail - 8,000 sf (814 Spclty Rtl. Ctr.)	325	0	0	9	12
Shops (Food Court)	High Turnover Restaurant– 3,225 sf (832)	420	16	14	21	14
	Total without General Office	13,068	143	93	579	431
Vacant Parcel	General Office – 36,000 sf (710)	396	49	7	9	45
	Total with Office	13,464	192	100	588	476

* Based on rate provided by City of Albuquerque, 24 Hour volume from ITE Trip Generation Manual

Note: The proposed 14 screen movie theatre will replace the 12 screens of movie theatre the currently exists in the Uptown area.

DEVELOPMENT REVIEW BOARD
ACTION SHEET

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

November 20, 2002 9:00 a.m.

MEMBERS:

Roger Green, Acting DRB Chair
Claire Senova, Administrative Assistant

Richard Dourte, Transportation Development
Brad Bingham, Alternate City Engineer
Sheran Matson, Planning
Christina Sandoval, Parks & Recreation

****

NOTE: UNLESS ANNOUNCED DURING THE MEETING, THE DEVELOPMENT REVIEW BOARD WILL NOT TAKE A LUNCH BREAK.

NOTE: INDIVIDUALS WITH DISABILITIES WHO NEED SPECIAL ASSISTANCE TO PARTICIPATE AT THIS MEETING SHOULD CONTACT CLAIRE SENOVA, PLANNING DEPARTMENT, AT 924-3946 (VOICE) OR TELETYPEWRITER (TTY) 924-3361 - TTY USERS MAY ALSO ACCESS THE VOICE NUMBER VIA THE NEW MEXICO RELAY NETWORK BY CALLING TOLL-FREE:1-800-659-8331.

)TE: REQUESTS FOR DEFERRAL OF CASES WILL BE DISCUSSED BY THE BOARD AND THE .PPLICANT AND/OR AGENT AT THE BEGINNING OF THE AGENDA. BOTH PARTIES MUST AGREE UPON THE DATE OF DEFERRAL. IF THE APPLICANT/AGENT IS NOT PRESENT, THE BOARD SECRETARY MUST RECEIVE A LETTER, PRIOR TO THE HEARING DATE, REQUESTING A SPECIFIC DEFERRAL DATE. THE BOARD WILL DISCUSS AND MAKE A DECISION AT THE HEARING. THE APPLICANT/AGENT WILL THEN BE INFORMED OF THE DEFERRAL DATE AND REASON.

A. Call to Order: 9:00 A.M. **Adjourned: 12:12 P.M.**

B. Changes and/or Additions to the Agenda

C. Announcements

1. **Project # 1001594**
02DRB-01621 Major-Bulk Land Variance
02DRB-01622 Major-Vacation of Pub Right-of-Way
02DRB-01623 Minor-Prelim&Final Plat Approval

COMMUNITY SCIEN ; CORPORATION agent(s) for INVESTMENTS & CONSTRUCTION request(s) the above action(s) for UNPLATTED TRACTS, **SALAZAR & DAVIS TRACTS,** zoned MULTIPLE, SEE RIO BRAVO SECTOR DEVELOPMENT PLAN, located SOUTH A' EAST OF CARTAGENA AVE SW, between DELGA DR SW (IF EXTENDED SOUTH) and SNOW VIS'A DIVERSION CHANNEL containing approximately 300 acre(s). [REF: 01500-01652, 01792 SK, Z-99-58] (N-9) **VACATION WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO TRANSPORTATION.**

2. **Project # 1002033**
02DRB-01655 Major-Vacation of Public Easements

HARRIS SURVEYING INC. agent(s) for BEALHEN CONSTRUCTION request(s) the above action(s) for all or a portion of Lot(s) 10, **SANDIA GLO SUBDIVISION,** zoned R-D residential and related uses zone, developing area, located on SANDIA GLO CT NE, between CORONADO AVE NE and KARAK RD NE containing approximately 1 acre(s). [REF: 02EPC-01195, 02DRB-00935, V-97-138, S-99-39] (D-21) **THIS VACATIO' ACTION WAS REMANDED BACK TO DRB FR EPC. VACATION WAS APPROVED AS SHOWN ' EXHIBIT B IN THE PLANNING FILE.**

3. **Project # 1002315**
02DRB-01650 Major-Preliminary Plat Approval
02DRB-01651 Major-Vacation of Pub Right-of-Way
02DRB-01652 Major-Vacation of Public Easements
02DRB-01653 Minor-Temp Defer SDWK
02DRB-01654 Minor-Sidewalk Waiver

BOHANNAN HUSTON, INC. agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **THE WILDERNESS @ HIGH DESERT,** zoned SU-2, HD, R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND, containing approximately 73 acre(s). [REF: 02DRB-01646] [DEFERRED FROM 11/20/02, PP, TDS, SW) (F-23) **THE VACATION (02-01651) FOR ITEM 4 WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE. THE VACATION OF THREE DIFFERENT EASEMENTS (02-01652) WAS APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION' THE VACATION OF EASEMENT 30 IS APPROVI WITH THE CONDITION THAT AMAFCA BOAR. APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT APPLICATION # 02-01653**

60

APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE WITH THE ADDED CONDITION: THE VACATION OF EASEMENT 30 IS APPROVED WITH THE CONDITION THAT AMAFCA BOARD APPROVES IT ALSO. APPLICATION # 02-01650, FOR PRELIMINARY PLAT, APPLICATION # 02-01653, FOR TEMPORARY DEFERRAL OF SIDEWALKS AND APPLICATION # 02-01654 FOR SIDEWALK WAIVER WERE DEFERRED AT THE AGENT'S REQUEST TO 12/4/02.

4. **Project # 1002318**
02DRB-01649 Major-Bulk Land Variance
02DRB-01656 Minor-Prelim&Final Plat Approval

BOHANNAN HUSTON INC agent(s) for HIGH DESERT INVESTMENT CORP request(s) the above action(s) for all or a portion of Tract(s) 13, **HIGH DESERT, (to be known as THE WILDERNESS @ HIGH DESERT,** zoned SU-2 / HD R-R, located east of TRAMWAY BLVD NE, south of IMPERATA NE and west of TRACT A, FOREST SERVICE LAND containing approximately 73 acre(s). (F-23) **BULK LAND VARIANCE WAS APPROVED. PRELIMINARY PLAT WAS APPROVED. THE FINAL PLAT WAS WITHDRAWN AT THE AGENT'S REQUEST.**

SITE DEVELOPMENT PLANS (EPC FINAL SIGN-OFF) AMENDED PLANS AND MASTER DEVELOPMENT PLANS (CITY COUNCIL FINAL SIGN-OFF)
NOTE: IF THE APPLICANT/AGENT IS NOT PRESENT WHEN THEIR REQUEST IS CALLED, THEN THE REQUEST MAY BE INDEFINITELY DEFERRED ON A NO SHOW.

5. **Project # 1000226**
02DRB-01739 Minor-SiteDev Plan BldPermt/EPC

DORMAN-BREEN ARCHITECTS agent(s) for CROSS OF HOPE LUTHERAN CHURCH request(s) the above action(s) for all or a portion of Tract(s) S-1-B, **TAYLOR RANCH,** zoned SU-1 special use zone, for church & related facilities, located on TAYLOR RANCH DR NW, between MONTANO RD. NW and KACHINA ST. NW containing approximately 4 acre(s). [REF: Z-80-74-2, 02EPC-01349] **[Juanita Vigil, EPC Case Planner]** (E-11) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WS APPROVED WITH FINAL SIGN OFF DELEGATED TO UTILITIES DEVELOPMENT AND TRANSPORTATION DEVELOPMENT.**

TRANSPORTATION DE .OPMENT.

6. **Project # 1001124**
02DRB-01734 Minor-SiteDev Plan BldPermit/EPC

PHILIP PELZMAN agent(s) for CHRIST LUTHERAN CHURCH & SCHOOL request(s) the above action(s) for all or a portion of Lot(s) 40, Block 40, **BROAD ACRES,** zoned SU-1 Church & related facilities, located on PENNSYLVANIA NE, between CANDELARIA NE and LOUISIANA NE containing approximately 5 acre(s). [REF: Z-96-1, DRB-96-219, 01410-00357 (VPE), ZA-68-71-1] **[Debbie Stover, EPC Case Planner]** (G-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO TRANSPORTATION DEVELOPMENT AND PLANNING.**

7. **Project # 1001565**
02DRB-01713 Minor-SiteDev Plan BldPermit/EPC

GREAT BASIN ENGINEERING agent(s) for SMITH'S FOOD & DRUGS request(s) the above action(s) for all or a portion of Tract(s) J-1, **REPLAT OF FOUR HILLS SHOPPING CENTER AND APARTMENT COMPLEX** zoned C-2 community commercial zone, SHOPPING CENTER SITE, located on TRAMWAY BLVD SE, between CENTRAL AVE SE and WENONAH AVE SE containing approximately 9 acre(s). [REF: 01EPC-01544, ZA-96-146, ZA-92-93, V-89-88, Z-84-124-1] **[Debbie Stover, EPC Case Planner]** (L-22/23) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT WAS APPROVED WITH FINAL SIGN OFF DELEGATED TO PLANNING.**

8. **Project # 1002324**
02DRB-01741 Minor-SiteDev Plan BldPermit
02DRB-01742 Minor-SiteDev Plan Sub

KEN HOVEY agent(s) for MOCHO,OLSON, CHANEY & MOCHO LLP request(s) the above action(s) for all or a portion of Block(s) 4, Tract(s) 7-A, Unit B, **NORTH ALBUQUERQUE ACRES,** (to be known as **VENICE BUSINESS CENTER,** zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**

	Sub	**BUSINESS CENTE.** zoned IP, located on BEVERLY HILLS AVE NE, between SAN MATEO BLVD NE and I-25 NE containing approximately 6 acre(s). [REF: 1000447, 1000907] (B-18) **INDEFINITELY DEFERRED AT AGENT'S REQUEST.**
9.	**Project # 1002337** 02DRB-01708 Minor-SiteDev Plan BldPermit/EPC 02DRB-01710 Minor-SiteDev Plan Subd/EPC	HERB DENISH AND ASSOCIATES, INC. agent(s) for UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) **SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING. THE INFRASTRUCTURE LIST DATED 11/20/02 WAS APPROVED.**

MINOR PLATS, FINAL (MAJOR) PLATS, AMENDED PLATS AND PLANS

10.	**Project # 1001558** 02DRB-01714 Minor-Prelim&Final Plat Approval	BURTON ENGINEERS INC. agent(s) for CORONADO PARK LTD. request(s) the above action(s) for all or a portion of Tract(s) A, **CORONADO VILLAGE,** zoned SU-2 MUD, located on the northwest corner intersection of I-25 and PASEO DEL NORTE NE containing approximately 58 acre(s). [REF: 01420—01520 (VPE on 11/14/01) (C-17) **THE PRELIMINARY PLAT WAS APPROVED WITH FINAL PLAT SIGN OFF DELEGATED TO CITY ENGINEER AND TRANSPORTATION DEVELOPMENT.**

11. **Project # 1002221**
02DRB-01738 Minor-Amnd Prelim Plat Approval

BOHANNAN HUSTO INC. agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) J, VENTANA RANCH, **VITTORIA SUBDIVISION @ VENTANA RANCH,** zoned R-2, located on PASEO DE' NORTE NW, between UNIVERSE BLVD NW a PARADISE BLVD NW containing approximately 2 acre(s). [REF: 02DRB-1563] (B-10) **THE AMENDED PRELIMINARY PLAT WAS APPROVED AND THE AMENDED GRADING PLAN ENGINEER STAMP DATED 11/12/02 WAS APPROVED. THIS AMENDMENT DOES NOT EXTEND THE EXPIRATION DATE OF THE APPROVED PRELIMINARY PLAT.**

12. **Project # 1002324**
02DRB-01740 Minor-Prelim&Final Plat Approval

ISAACSON & ARFMAN, PA agent(s) for MOCHO, OLSON, CHANEY & MOCHO, LLP. request(s) the above action(s) for all or a portion of Lot(s) 7A, Tract(s) A, Block 4, Unit B, **NORTH ALBUQUERQUE ACRES,** zoned IP, located on BEVERLY HILLS AVE NE, between VENICE AVE NE and I-25 containing approximately 6 acre(s). [REF: 00410- 01540, 02-01670 (SK)] (B-18) **INDEFINITELY DEFERRED AT THE AGENT'S REQUEST.**

13. **Project # 1000267**
02DRB-01555 Minor-Prelim&Final Plat Approval

SURVEYS SOUTHWEST, LTD. agent(s) for BILL WADE / UPWEST CORP. request(s) the above action(s) for all or a portion of Lot(s) 13 & 14, **BREEZE @ SOUTH PEAK,** zoned R-3 residential zone, located on OCEAN BREEZE DR NE, between CHELWOOD PARK BLVD. NE and EASTRIDGE DR. NE containing approximately 1 acre(s). [REF: 02DRB-00954 SIA, 00460-00223 SK,00440-01100 FPA,00410-00399] [INDEFINITELY DEFERRED FROM 10/23/02 AND 11/20/02] (J-22) **INDEFINITELY DEFERRED ON A NO SHOW.**

NO ACTION IS TAKEN ON THESE CASES:
IF APPLICANT IS NOT PRESENT, COMMENTS WILL BE FORWARDED

14. **Project # 1000390**
02DRB-01737 Minor-Sketch Plat or Plan

BOHANNAN HUST(agent(s) for LAS VENTANAS LIMITED PARTNERSHIP. request(s) the above action(s) for all or a portion of Tract(s) H, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the southeast corner of UNIVERSE NW and PARADISE BLVD NW containing approximately 16 acre(s). [REF: 01410-01495] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

15. **Project # 1002346**
02DRB-01735 Minor-Sketch Plat or Plan

BOHANNAN HUSTON agent(s) for LAS VENTANAS LIMITED PARTNERSHIP request(s) the above action(s) for all or a portion of Tract(s) G, **VENTANA RANCH,** zoned SU-1 special use zone, for restricted C-2, located on the northeast corner of UNIVERSE BLVD NW and PARADISE BLVD NW and containing approximately 13 acre(s). [REF: DRB-96-6, (1000390)] (B-10) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

16. **Project # 1001986**
02DRB-01715 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOC. agent(s) for RIO OESTE DEVELOPMENT, LLC request(s) the above action(s) for all or a portion of Tract(s) D & E, **TAYLOR RANCH,** zoned R-1 residential zone, located on the WEST SIDE OF COORS BLVD NW, between LA ORILLA RD NW and VILLA CORTA DEL SUR NW containing approximately 10 acre(s). [REF: 02EPC-00834, 02EPC-00835] (E-12) **THE ABOVE REQUEST WAS**

17. **Project # 1002342**
02DRB-01720 Minor-Sketch Plat or Plan

MARK GOODWIN & ASSOCIATES, PA agent(s) for MEL FAMIE, LLC request(s) the above action(s) for all or a portion of Lot(s) 1-3, **CLYDE LELAND SUBDIVISION,** zoned R-T residential zone, located on ATRISCO DR NW, between LEGENDS AVE NW and WESTERN TRAIL NW containing approximately 3 acre(s). [REF: 85-138-502] (F-11) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

18. **Project # 1002345**
02DRB-01733 Minor-Sketch Plat or Plan

CLINT SHERRILL & ASSOCIATES agent(s) for GOLDEN VENTURES, LLC, ROBERT SHAFFER JR. request(s) the above action(s) for all or a portion of Lot(s) 3, Unit 1, **BROADWAY INDUSTRIAL CENTER,** zoned SU-2 special neighborhood zone, HM, located on the east end of SAN JOSE AVE SE, between KARSTEN CT SE and SOUTH I-25 containing approximately 14 acre(s). [REF: DRB-97-271, (1000131) 02DRB-00109] (M-14) **THE ABOVE REQUEST WAS REVIEWED AND**

19. **Project # 1002347**
02DRB-01736 Minor-Sketch Plat or Plan

RICHARD HUDSON agent(s) for LAUREANO MEDRANO request(s) the above action(s) for all or a portion of Lot(s) 36 & 37, Block B, **MONKBRIDGE ADDITION,** zoned M-1, located on HEADINGLY NW, between 2ND STREET NW and 1ST STREET NW containing approximately 1 acre(s). (G-15) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

20. **Project # 1002002**
02DRB-01743 Minor-Sketch Plat or Plan

ADVANCED ENGI..ERING & CONSULTING, LLC agent(s) for RETAIL DEVELOPMENT INC., LLC request(s) the above action(s) for all or a portion of **BEAR CANYON ARROYO, SAN MATEO DEL NORTE,** zoned C-3 heavy commercial zone, located WEST OF SAN MATEO BLVD NE, between OSUNA RD NE and ACADEMY RD NE containing approximately 5 acre(s). [LISTED AS PROJECT #1002348 WHICH WAS INCORRECT] (E-17) **THE ABOVE REQUEST WAS REVIEWED AND COMMENTS WERE GIVEN.**

21. Approval of the Development Review Board minutes for 10/30/02 and 11/6/02. **THE MINUTES WERE APPROVED SUBJECT TO CHANGES BY THE BOARD.**

ADJOURNED: 12:12 P.M.

Comments to:

Joe McSorley
Planning Department
1 Civic Plaza NW
Albuquerque, NM 87103
(505)924-3861

EMAIL

(c) 2002 City of Albuquerque | Disclaimer | Privacy Statement

DRB LEGAL AD FOR THE EPC HEARING 1/16/03

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
LAND DEVELOPMENT COORDINATION DIVISION

02EPC-01836 (SBP) and 02EPC-01837 SPS)Project # 1002337 02DRB-01708 Minor-Site Dev Plan BldPermit/EPC 02DRB-01710 Minor-Site Dev Plan Subd/EPC	Rodey Dickason Sloan Akin & Robb PA, Michelle Henrie, appeals the Development Review Board's approval of the Site Development Plan for Building Permit and Site Development Plan for Subdivision approval all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] (J-19) Bob Paulsen, EPC Case Planner.

10

Planning Department

Development Services Division

Memorandum

To: Roger Green, Acting DRB Chair

CC: Victor Chavez, Russell Brito & Paula Donahue

From: Bob Paulsen, Principal Planner

Date: 11/12/2002

Re: **Request for final sign-off of Uptown Spectrum II, Project # 1002337, applications: 02-01708 (SBP), 02-01710 (SPS)**

The above referenced projects constitute a request for DRB Final Sign-Off on EPC-approved site development plans for subdivision and building permit. The applicant is Hunt Uptown, LLC.

The EPC approved both site development plans for this 9.63-acre site on October 15,1998. The plans were approved contingent on City Council approval of an amendment to the Uptown Sector Development Plan to increase the allowable percentage of retail development within the Intense Core from 10% to 20%, and to increase the amount of retail floor area in a free-standing building from 20,000 sf to 26,000 sf. These amendments were approved by City Council on February 1, 1999.

More recently, an application for a site development plan for subdivision was submitted for EPC approval by Hunt Uptown, LLC (Project # 1002247) for the former St. Pius property and the former Monroe School site (scheduled for EPC hearing on December 5, 2002). The Uptown Spectrum II site is within the boundaries of this EPC request.

Of relevance to the DRB hearing on November 13th, the Uptown Spectrum II site development plans are inconsistent with the larger Hunt Uptown submittal. Consequently, there are two separate and conflicting submittals, on separate City of Albuquerque review/approval tracks, concerning the one piece of property. This circumstance must be rectified before the DRB can consider final sign-off on either of the two site development plans which make up the current DRB applications.

Consequently, a deferral is recommended until the applicant resolves the aforementioned circumstance.

69

#9

Planning Department

Development Services Division

MEMORANDUM

To: Roger Green, PE, Acting DRB Chair

CC: Victor Chavez, Sheran Matson, Joel Wooldridge, Paula Donahue

From: Bob Paulsen, Principal Planner B.P.

Date: 11/19/2002

Re: **Comments to DRB on Uptown Spectrum II, Project # 1002337**

#1542 to EPC on 12/5/02

This memo is a follow-up to a memo provided to the DRB on November 11, 2002 regarding the request by Hunt Uptown II, LLC for Final DRB sign-off on Uptown Spectrum II site development plans for subdivision and building permit, otherwise known as Z-98-123, for the 9.63-acre Monroe Junior High School site at the Southeast quadrant of Louisiana Boulevard and Indian School Road NE.

Since the November 11th DRB hearing, Hunt Uptown has amended their request for site development plan for subdivision approval to the EPC (Project # 1002247, scheduled for hearing on December 5th), removing the 9.63-acre subject site from the EPC submittal. Hunt Uptown provided written notification of their intent to modify Project # 1002247 by way of letter dated November 12, 2002. Consequently, the prime reason for the previous deferral recommendation has been removed. The following comments respond to the DRB submittal, in particular how the applicant has addressed the Conditions of Approval imposed by the EPC at a hearing on October 15, 1998.

It is important to note that two of the EPC Conditions on the site plan for building permit (Conditions 15 and 21) require a review action by a now defunct "*site plan review committee*" of the EPC. Because this committee no longer exists, and neither the EPC nor the Planning Department has any intention of reviving this committee, the Planning Department, with consent of the applicant and the EPC Chairman, is placing these two items on the aforementioned December 5th EPC agenda. At the December 5th EPC hearing the Planning Department will request review and direction from the EPC in determining whether the referenced Conditions have been satisfied. Therefore, a final sign-off on the site development plan for building permit (by the DRB) will not be possible until the EPC provides direction on the satisfactory completion of these conditions. However, resolution of this matter, in and of itself, does not require a DRB deferral. All other review by the DRB can proceed independent of this issue.

As subsequent comments in this memo indicate, several issues and questions require resolution prior to final sign-off.

Below is an abbreviated description of the EPC Conditions followed by staff response **in bold text**. Please note that the applicant has included a full articulation of the EPC Conditions on the submitted site development plan and has provided a response to these conditions in a letter dated November 5, 2002 to Roger Green, Acting DRB Chair.

SITE DEVELOPMENT PLAN FOR SUBDIVISION

1. Transportation Division conditions: A - E.

   These items require review by others.

2. DRB submittal must meet all EPC conditions; a letter from the applicant shall indicate this.

   A letter detailing how conditions have been satisfied is provided.

   A Site Development Plan for Subdivision sheet is strongly recommended as a component of this submittal. At minimum, it should include a signature block and it should clearly indicate property lines, tract designations and other required components of a Site Plan for Subdivision as defined in the Zoning Code. The current submittal does not distinguish between the Site Plan for Subdivision and the Site Plan for Building Permit, which reflects the EPC submittal; yet, for administrative purposes, the DRB should require clear separation between these types of plans since two distinct approvals are being pursued.

SITE DEVELOPMENT PLAN FOR BUILDING PERMIT

1. Participation in a TMO....

   To be confirmed by the Transit Department.

2. Submit to DRB detailed plans, including building elevations....

   As the applicant notes, this condition must be reviewed in light of condition 15 which provides that architectural guidelines to be submitted in lieu of building elevations for the proposed restaurant(s). As applicant also notes, building footprints and square footage calculations generally reflect the EPC-approved plan. However, an apparent discrepancy between the EPC plans and the DRB submittal is the exclusion of a "shops" building adjacent to the SE corner of the theater; this building is not included in the DRB submittal. Also, the theater footprint has been adjusted it the DRB submittal and the square footage has expanded to 33,000, from 30,000 sf (Lobby and Auditoriums) as shown in the EPC approval. In addition, Parking Garage 1 (adjacent to the theater) has diminished in size to

accommodate the theater expansion and apparently the some of the below grade parking area has been eliminated. The applicant will need to explain and justify these apparent adjustments.

As required, landscaping and building elevation details and enhancements have been provided which are generally consistent with the stylistic elements, colors and materials indicated in the EPC-approved submittal. The proposed hotel, however, is seemingly lacking in architectural interest and stylistic detail, resulting in a prominent building that is arguably less compelling than other proposed buildings, including the proposed parking garages.

All building elevation drawings must be accurately dimensioned, including typical dimensions of doors, windows and other architectural features.

3. Submittal of a complete landscape plan including placement of benches, trees, and irrigation. Plaza areas must be drawn at a 1:10 scale.

As the applicant's submittal letter indicates, a complete landscape plan with the required enlargements has been provided. However, it is unclear where the freestanding light fixtures will be located. And, it would seem odd that benches are not provided in Plaza 2 which is adjacent to the theater lobby.

Additional street trees are required to meet City requirements. Also, additional plantings may be required at the south end of the site near the refuse container.

4. Submittal of drawings showing design enhancement of pedestrian path north, east of Retail 1 ... which make the path safe and attractive.

This has been accomplished with skylights, benches and "show windows."

5. The north face of Garage 1 shall be enhanced with display windows.

As noted, "show windows" or display windows have been added.

6. The applicant must conform to ADA provisions, with pedestrian ramps given locational priority over stairs.

It appears that the design has been revised to meet ADA requirements and provide convenient access to mobility impaired visitors. ADA compliance will also be reviewed and required through the building permit process with submittal of construction plans.

7. Building and Plaza signage, lighting and ornamentation shall substantially conform to illustrations submitted to the EPC. Permitted ornamentation shall include one or more of the following per

tenant space: awnings, banners/flags, light fixtures, landscaping, pedestrian features, other elements....

While the submittal suggests that the site design will satisfy this condition, the specifics are unclear. For example, how extensively, if at all, will banners or awnings be used? And, as raised previously, where will site lighting be located and what is the height of the freestanding lights? Also, how extensively will recessed lighting be used? Is there any building-mounted lighting? These issues must be addressed by the applicant.

8. Illuminated signage is not permitted on the east building facades above 26' in height.

The plan is in compliance.

9. Monument signs shall not be higher than 10' or greater than 100 sf. The number of monument signs is limited to 4....

On sheet 21/21, the plans specify that monument signs are 9.0' high, 5.0' wide, or 45 sf in area; this is not consistent with information on sheet 12/21. Further, it appears that 6 monument signs are specified on the submitted plans, exceeding the number allowed by 2.

10. Signage criteria (as submitted to EPC) is required.

The flags and banners reference has been eliminated. The remaining signage criteria is provided as required. The Zoning Enforcement office will be asked to review the submittal for compliance with the signage provisions of the Uptown SDP and the Zoning Code.

11. Standard parking spaces are 20' x 8.5'.

Plan notations are in compliance as long as a 2' overhang space is available where required.

12. Provide pedestrian connections to adjacent Winrock Center uses with textured crosswalk crossing the loop road. A connection across Americas Parkway at mid site along the east side shall be 20' wide directly north of the access road. All interior drive aisle crossings shall have textured pavement 8 feet wide.

Note on Sheets 1 and 2 that all interior drive aisle crossings shall have 8' wide textured pavement; the Loop Road crossing is in compliance.

13. Comply with Transportation Development comments: A - H.

To be assessed by others.

14. A letter to DRB shall indicate how the side plan has been modified to meet EPC conditions.

This condition has been satisfied.

15. The restaurant shall be architecturally integrated into the overall site architecture. Guidelines shall be submitted to the EPC site plan review committee.

Sheet 17/21 has been submitted to satisfy this condition. As noted previously in this memo, the Planning Department is requesting review and direction from the EPC at a public hearing on December 5th in regards to this condition.

16. Street trees shall be added at 30 feet o.c. on the west side of the restaurant on Louisiana.

This condition has been satisfied.

17. Delete the walkways shown on the east, west and south side of the parking garage # 2, and convert to landscaping.

This condition has been satisfied.

18. Improve pedestrian connections from garage 2 to pedestrian ways to the east, west and south of site.

This condition has been satisfied.

19. Widen the sidewalk directly to the east of the south restaurant; the sidewalk runs in a east/west direction. Shade trees shall be added at 25' o.c. along the pedestrian way.

This condition has been satisfied.

20. Housing units shall be added to the site at a rate of 1 per 2000 sf of retail above the 10% level, up to a maximum of 20% of retail on the site. Parking shall be required at 1 space per unit.

This condition has been satisfied.

21. Each housing unit shall have a min. of 80 sf of open space adjacent to the unit in the form of decks, terraces or patios and a max. of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

As noted by the applicant, each housing unit has a deck or balcony which satisfies this requirement. As previously noted, this condition will be reviewed by the EPC on Dec. 5th.

Planning Department

Development Services Division

Memorandum

To: Alan Schwartz, EPC Chair, & Commissioners

CC: Victor Chavez, Planning Director & Joel Wooldridge, Advance Planning Manager

From: Bob Paulsen, Principal Planner B.P.

Date: 12/03/2002

Re: **Request for EPC review and direction regarding DRB final sign-off on Project #10002337 relating to 2 Conditions imposed by the EPC on case Z-98-123.**

The Planning Department requests EPC review and direction regarding two Conditions imposed by the EPC on October 15, 1998 to a site development plan for building permit. The project site is the 9.63-acre portion of Tract A of the Winrock Center Addition located at southeast quadrant of the intersection of Louisiana Boulevard NE and Indian School Road in the Uptown area; this is the former Monroe Junior High School site. At the time of EPC approval, this project was known as Uptown Spectrum II. The two Conditions in question reference the EPC "site development plan review committee" and required the applicant to submit additional information to the committee for its review and approval. The committee's approval was required prior to DRB final sign-off.

The two Conditions requiring EPC attention are Conditions 15 and 21 (refer to the attached Notice of Decision, Z-98-123). The Conditions read as follows:

15. **The restaurant shall be architecturally integrated into the overall site architecture period. Guidelines shall be developed and submitted to the EPC site plan review committee.**

21. **Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.**

The reason this matter is being brought before the entire EPC is that the "site plan review committee" no longer exists. It has been defunct for several years and there appears to be no interest in its reestablishment. So, with the consent of the applicant and Chairman

75

Schwartz, it was determined that the most appropriate recourse was to bring this matter back before the full EPC at an advertised hearing.

Planning Department staff is requesting that the EPC review the applicant's DRB submittal as it relates to these two Conditions and determine whether the Conditions have been satisfied. (The applicant will be providing a letter to the EPC along with relevant sheets from the DRB submittal.) There are perhaps three basic directions that the EPC can take on this matter:

1. The EPC may determine that the Conditions have been satisfied as shown in the applicant's submittal and instruct Planning staff to consider the DRB submittal satisfactory in this regard.
2. The EPC may determine that specific adjustments or information must be provided by the applicant before the Conditions are satisfied. In this event, the EPC should advise staff as to what specific changes are needed and staff can ensure that the EPC's directive is satisfied by the applicant before DRB sign-off occurs.
3. The EPC may determine that site plan submittal requires further adjustment or information and that the applicant shall provide the EPC with new information at a future date. DRB final sign-off could not occur until the EPC's concerns are satisfied.

Please note that the current EPC review should be limited to an assessment of the site plan for building permit submittal as it relates to Conditions 15 and 21.

For background purposes, the EPC should understand that the site plan for building permit was part of a three-component application consisting of the following:

1. A text amendment to the Uptown Sector Development Plan to allow for retail floor space to increase from 10% to 20% within the Intense Core area and to allow an increase in retail floor area in a free-standing building from 20,000 square feet to 26,000 sf. This sector plan amendment was subsequently approved by the City Council in early 1999 allowing for expanded retail development and requiring a housing component for retail development which went beyond the 10% level.
2. A site plan for subdivision for the 9.63-acre which divided the site and established a portion of the alignment for the Loop Road, Americas Parkway.
3. A site plan for building permit specifying the development perimeters for the 7.52-acre phase I of the project, including 455,570 sf of mixed-use development.

Attachments:

- Official Notice of Decision for Z-98-123
- Memorandum to Roger Green, Acting DRB Chair, from Bob Paulsen on 11/12/2002
- Memorandum to Roger Green, Acting DRB Chair, from Bob Paulsen on 11/19/2002

Planning Department

Development Services Division

Memorandum

To: Roger Green, PE, Acting DRB Chair and Sheran Matson, DRB member

CC: Victor Chavez, Planning Director

From: Bob Paulsen, Principal Planner B.P.

Date: 12/18/2002

Re: **Final Comments to DRB on Uptown Spectrum II, Project # 1002337**

This memo follows up a memo provided to the DRB on November 19, 2002 regarding the request by Hunt Uptown II, LLC for Final DRB sign-off on the Uptown Spectrum II site development plans for subdivision and building permit, otherwise referenced as Z-98-123, for the 9.63-acre Monroe Junior High School site at the Southeast quadrant of Louisiana Boulevard and Indian School Road NE.

Project drawings have been resubmitted by the applicant with adjustments made in order to satisfy the EPC conditions. The revised drawings are the subject of this review. For background information, please refer to memos from me to you dated November 12, 2002 and November 19, 2002 along with an associated memo to Alan Schwartz, EPC Chair, dated December 2, 2002. In addition to the revised drawings, the applicant (Lawrence Kline, agent) has submitted a letter (dated December 16, 2002) to me (attached) specifying the adjustments to the drawings that have been made based on my previous comments.

Of special note, on December 5, 2002, the EPC determined that Conditions 15 and 21 imposed on the site development plan for building permit (Z-98-123) have been satisfied by the applicant. The required adjustments to the site plan are included in the revised submittal. Therefore, These two conditions have been satisfied.

Upon review, I conclude that all EPC conditions as specified in the approval of Z-98-123, have been satisfied as depicted in the site development plan drawings and as specified in associated materials provided to me on December 16, 2002 and as transmitted herewith.

[redacted] 77

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
WILLIAM S. DIXON
JOHN P. BURTON
REX D. THROCKMORTON
JONATHAN W. HEWES
RICHARD C. MINZNER
W. ROBERT LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG

CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
R. TRACY SPROULS
KARLA K. POE
ALAN HALL
BRIAN H. LEMATTA
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
DIANA V. SANDOVAL
BRENDA MALONEY-HERMANN
MATTHEW S. WERMAGER
LARRY J. MONTAÑO

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
COUNSELORS AND ATTORNEYS AT LAW
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WEB-SITE: WWW.RODEY.COM
E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
DONALD B. MONNHEIMER
JULIE P. NEERKEN
ROBERT G. McCORKLE
PABLO PRANDO

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER
505-768-7394
mhenrie@rodey.com

November 12, 2002

Via Hand Delivery

Roger Green
Acting Chair, DRB
Planning Department, City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87103

RECEIVED
NOV 12 2002
PWD/DESIGN REVIEW

Re: Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

Dear Mr. Green:

This office represents the PruWinrock, LLC, the owner of Winrock Shopping Center. We were surprised to see the above-referenced matters listed on the Development Review Board's agenda for tomorrow, November 13, 2002. We had understood that the property owner of the old Monroe Junior High School site, Hunt Uptown II, LLC, was working in conjunction with the owner of the old St. Pius High School Site, Hunt Uptown LLC, to develop a "unique, upscale living/working/shopping environment that respects traffic and air quality issues." It was represented to our client and to the public that the two Hunt projects were integrated and planned in concert. We now are not sure what is being planned.

Because yesterday was a holiday, we were not able to learn anything about the new proposal for the Monroe site until today– one day before the hearing. This morning we received some information. As of this afternoon, we still have not seen any of the 21 plats that accompany the application. We have not been able to adequately analyze how the proposal may impact our client, an adjacent property owner. If the proposed minor site plans affect our client or others, it is imperative that DRB is aware of the impact under Section 14-16-2-22(A)(6) of the City's Zone Code.

Because our client and the public had been expecting the Hunt projects to develop differently than they now seem to be developing, and because the original EPC approvals for the Monroe site were given more than four years ago, and because Uptown has changed in the past four years, DRB should– at a minimum– defer acting on this matter until it has had an opportunity to hear

from adjacent property owners and the neighborhood associations– all of whom might be substantially aggrieved by the altered plan. The safest course of action would be to notice the matters pursuant to Section 14-16-2-22(A)(6).

We respectfully request that you defer hearing the above-referenced matters and notice the matters for the next meeting of the DRB.

Yours truly,

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: _____
Michelle Henrie

mh

cc (via hand delivery):

Bob Paulsen, Staff Planner, City of Albuquerque Planning Department
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
Lawrence S. Kline, Herbert M. Denish & Associates, Inc.

RECEIVED
NOV 12 2002
PWD/DESIGN REVIEW

cc (via mail):

Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
Charles E. Miller, Prudential Real Estate Investors
Shelton Weeks, Manager, Prizm Partners
John P. Salazar
Members of Uptown Neighborhood Associations:
Bill Sterchi
Lynn Tabor
Stephen Verchinski
Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil

RODEY, DICKASON, SLOAN, AKIN & ROBB, P. A.
Mr. Green
November 12, 2002

Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Deborah Prusia
Michael Clendenin
Tom Joule
Richard Peterson
John Kinney
Susan McIntyre
Virginia Emmett
Randy Sanchez, General Manager, Coronado Center

RECEIVED
NOV 12 2002
PWD/DESIGN REVIEW

#7 11/19/02

ROBERT M. ST. JOHN
JOSEPH J. MULLINS
MARK K. ADAMS
BRUCE HALL
JOHN P. SALAZAR
[illegible] DIXON
[illegible]RTON
[illegible]OCKMORTON
[illegible] W. HEWES
[illegible]. MINZNER
[illegible]T LASATER, JR.
MARK C. MEIERING
CATHERINE T. GOLDBERG
TRAVIS R. COLLIER
EDWARD RICCO
W. MARK MOWERY
PATRICK M. SHAY
NANCY J. APPLEBY
ELLEN T. SKRAK
TRACY M. JENKS
HENRY M. BOHNHOFF
CHARLES K. PURCELL
ANDREW G. SCHULTZ
JOHN M. BRANT
SCOTT D. GORDON
DEWITT M. MORGAN
MARK A. SMITH
R. NELSON FRANSE
THERESA W. PARRISH
PAUL R. KOLLER
JAMES P. BIEG

CHARLES J. VIGIL
THOMAS L. STAHL
DAVID W. BUNTING
LESLIE McCARTHY APODACA
SUSAN BARGER FOX
MacDONNELL GORDON
WILLIAM J. ARLAND
JAMES A. ASKEW
JEFFREY M. CROASDELL
SUNNY J. NIXON
JEFFREY L. LOWRY
DEBORAH E. MANN
THOMAS A. OUTLER
SETH L. SPARKS
LISA A. CHAVEZ
JOCELYN C. DRENNAN
MICHAEL J. BRESCIA
MICHELLE HENRIE
NELSE T. SCHRECK
R. TRACY SPROULS
KARLA K. POE
ALAN HALL
BRIAN H. LEMATTA
DEBORAH S. GILLE
AARON C. VIETS
KIMBERLY N. BELL
KURT B. GILBERT
DIANA V. SANDOVAL
BRENDA MALONEY-HERMANN
MATTHEW S. WERMAGER
LARRY J. MONTAÑO

RODEY, DICKASON, SLOAN, AKIN & [illegible]BB, P. A.
COUNSELORS AND ATTORNEYS AT LAW
ALBUQUERQUE PLAZA
201 THIRD STREET NW, SUITE 2200
ALBUQUERQUE, NEW MEXICO 87102

P.O. BOX 1888
ALBUQUERQUE, NEW MEXICO 87103
WEB-SITE: WWW.RODEY.COM
E-MAIL: INFO@RODEY.COM

TELEPHONE (505) 765-5900
FACSIMILE (505) 768-7395

OF COUNSEL
JACKSON G. AKIN
JOHN D. ROBB
JAMES C. RITCHIE
JO SAXTON BRAYER
DONALD B. MONNHEIMER
JULIE P. NEERKEN
ROBERT G. McCORKLE
PABLO PRANDO

BERNARD S. RODEY (1856-1927)
PEARCE C. RODEY (1889-1958)
DON L. DICKASON (1906-1999)
WILLIAM A. SLOAN (1910-1993)

SANTA FE OFFICE
MARCY PLAZA
123 EAST MARCY STREET, SUITE 101
SANTA FE, NEW MEXICO 87501-2034
P.O. BOX 1357
SANTA FE, NM 87504-1357
TELEPHONE (505) 954-3900
FACSIMILE (505) 954-3942

WRITER'S DIRECT NUMBER
505-768-7394
mhenrie@rodey.com

November 19, 2002

Via Hand Delivery

Roger Green
Acting Chair, DRB
Planning Department, City of Albuquerque
600 2nd St. NW
Albuquerque, NM 87103

Re: Project # 1002337,
02DRB-01710 Minor-SiteDev Plan Subd/EPC,
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

Dear Mr. Green:

This office represents PruWinrock, LLC, the owner of Winrock Shopping Center. We delivered a letter to you last week asking that the above-referenced matter be deferred from the Development Review Board's ("DRB's") agenda on November 13, 2002. We appreciate that the DRB was able to defer the matter.

The owner of the old Monroe Junior High School site, Hunt Uptown II, LLC, was originally working in conjunction with the owner of the old St. Pius High School site, Hunt Uptown LLC, to develop an integrated project for the two sites called ABQuptown. ABQuptown was unveiled to the public with a good deal of fanfare. A Site Plan for Subdivision for ABQuptown (Project # 1002247) is now before the Environmental Planning Commission ("EPC"), and the hearing is scheduled for December 5, 2002. However, by a letter to Paula Donahue dated November 14, 2002, Hunt Uptown II, LLC asked that the Monroe site be removed from consideration in the ABQuptown Site Plan for Subdivision. We understand this to mean that Hunt Uptown II, LLC has withdrawn the Monroe site from the ABQuptown project and from its request for a Site Plan for Subdivision.

It seems to us that the Hunt entities' projects need to be reviewed together. This includes the ABQuptown project and the Uptown Spectrum project. The Uptown Sector Development Plan ("Uptown Plan") amendments proposed by the Hunt entities should also be reviewed simultaneously. The ABQuptown project and the Uptown Plan amendments are pending before the EPC on December 5, 2002. At a minimum, we think that it would be appropriate to remand

the Uptown Spectrum project to EPC for a second review on December 5, 2002 (assuming their agenda has room) for the following reasons:

1. We are still confused about what the Hunt entities intend to build. The Hunt entities put forward proposed Uptown Plan amendments (Project # 1002124) on July 25, 2002, only to withdraw these amendments and submit new ones on September 16, 2002. On September 26, 2002, they submitted materials discussing the ABQuptown project, but not a normal site plan. As mentioned above, they have now withdrawn the Monroe site from the ABQuptown project. It is not clear whether there is anything remaining of the original ABQuptown concept if there is no coordination between the Monroe site and the St. Pius site. Further, the fact that Hunt Uptown II, LLC has now revived the old Uptown Spectrum plan adds to our confusion.

2. EPC reviewed and approved the Uptown Spectrum plans more than four years ago. To our knowledge, it is unprecedented for an applicant to revive plans that ere tabled midstream and never received final approval. Stated alternatively, this matter sets a precedent for all other applications that have been tabled, dropped, delayed, or basically forgotten somewhere along the way prior to receiving final approval. Does it make sense to recussitate something after a four year delay? The EPC should reconsider these plans in the context of *today's* Uptown.

3. As a condition of approval, the EPC required that housing be included in the project *and* the EPC retained jurisdiction for review of the housing. The original applicant for the Uptown Spectrum project did not propose any housing for the site. The EPC expressly added the housing requirement as a condition of approval. It also concurrently caused the Uptown Plan to be amended to include a housing component as a second step in ensuring that housing would be incorporated into this project. As a third step, the EPC retained jurisdiction over the project. Condition Number 21 to the Site Plan for Building Permit states that "[t]he revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal." There is no indication that this was ever done.

4. The Uptown Spectrum Project Isn't a Minor Site Plan for Subdivision. A minor subdivision is one that does not require installation of any significant infrastructure. (§14-14-1-6, Definition of "Subdivision, Minor"). The applicant's infrastructure list shows a new traffic signal, modifications to an existing traffic signal, seven turn lanes, two bus bays, and yards of sewer, water, and storm drain improvements. The new traffic light alone constitutes "significant infrastructure."

5. How Many Theaters Can Uptown Support? The ABQuptown project, the Uptown Spectrum project, and the Winrock redevelopment project each show a theater as one of the uses on the site– in addition to the existing theater at the Coronado Mall.

Our client has additional concerns about the Uptown Spectrum project which can be addressed in more detail at the DRB meeting if DRB chooses to not remand this matter to the EPC. Most importantly, if approved, we believe it is imperative that the housing component of the project is instituted simultaneously with the new retail uses. We believe this was the intent of the Uptown Plan amendment and the EPC conditions of approval: more retail for more residential. We are concerned that if the residential component is not built in the initial phase of the Uptown Spectrum project, it may never get built. Also, it is critical to us that Winrock's access to its proposed Sandia Drive be recognized as shown on Winrock's submitted site plans.

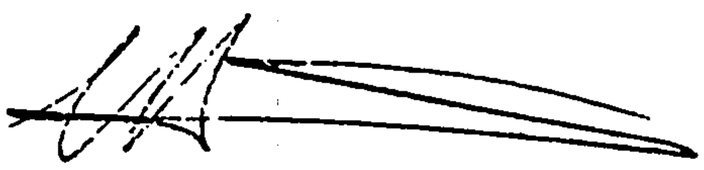
If DRB chooses to not remand the matter to EPC, we still believe that the safest course for the City would be to notice adjacent property owners and the neighborhood associations and hold a public hearing pursuant to Section 14-16-2-22(A)(6).

We appreciate your consideration of our concerns.

Yours truly,

Sincerely,

RODEY, DICKASON, SLOAN, AKIN & ROBB, P.A.

By: 
Michelle Henrie

mh

cc (via hand delivery):

Bob Paulsen, Staff Planner, City of Albuquerque Planning Department
Paula Donahue, Staff Planner, City of Albuquerque Planning Department
John P. Salazar

cc (via fax and mail):

Lawrence S. Kline, Herbert M. Denish & Associates, Inc.

cc (via mail):

Robert A. Manarino, Senior Vice President, Cousins Properties, Inc.
Charles E. Miller, Prudential Real Estate Investors
Shelton Weeks, Manager, Prizm Partners

Members of Uptown Neighborhood Associations:
Bill Sterchi
Lynn Tabor
Stephen Verchinski
Mary Lou Sorenson
Bob Bruno
Richard P. Huber
Julie Jones
Jeff Paul
Valorie Vigil
Mark Trujillo
Timothy Sanchez-Brown
Orlando Esparza
Dorothy Finaldi
Rick Paul
Tom Joule
Richard Peterson
John Kinney
Nicholas Wees
Virginia Emmett
Randy Sanchez, General Manager, Coronado Center

DRB MINUTES FROM THE NOVEMBER 13, 2002, DEVELOPMENT REVIEW BOARD MEETING.

10. Project # 1002337
02DRB-01710 Minor-SiteDev Plan Subd/EPC
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC

HERB DENISH AND ASSOCIATES, INC. agent(s) for HUNT UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD NE, between INDIAN SCHOOL RD NE and INTERSTATE 40 containing approximately 12 acre(s). [REF: Z-98-123] **[Bob Paulsen, EPC Case Planner]** [DEFERRED FROM 11/13/02] (J-19)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Lawrence Kline, Herb Denish & Associates, Inc., P.O. Box 2001, 87103
Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE. 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109

PERSONS SPEAKING IN OPPOSITION:

None

CITY STAFF PRESENT:

Bob Paulsen, Principal Planner

ACTING CHAIR GREEN: Next is Item 10, Project #1002337, Site Development Plan for Subdivision and Site Development Plan for Building Permit. Could you state your names and interests in the project for the record.

MR. KLINE: My name is Lawrence Kline, Herbert M Denish and Associates representing Hunt Uptown II, LLC.

MR. TOPMILLER: James Topmiller with Bohannan Huston.

MR. DUNNING: Chris Dunning with Dekker, Perich, Sabatini.

MR. KLINE: All representing Hunt Uptown II, LLC. I was delivered a copy of the letter which you received from the Rodey Law Firm late yesterday. I was wondering if there was anyone here from the Rodey Law Firm or the public who wished to address the issues raised in that letter.

ACTING CHAIR GREEN: They just made some statements in the letter and asked for a deferral, which will be up to us to determine that.

MR. KLINE: Right. As far as my client is concerned if it is the wish of the Development Review Board that this be deferred we'll certainly accept one. I would be remiss if I didn't say I'll take any signatures that we can get. What we came here for today though was to receive your comments, receive any concerns, I know that the Traffic Engineer is not ready to proceed with the Infrastructure List before we meet again. That would be fine. We'd defer for that reason. I note that Mr. Paulsen, who I think is still here, had a concern related to a conflict between this submittal and another submittal which we will resolve if the Board wishes to defer on those grounds. I just can't abide any discussion of a deferral on grounds of notice because none was required.

ACTING CHAIR GREEN: It's been four (4) years since we heard this and we can certainly give you the Board's comments. I'd like to hear from Mr. Paulsen first on updates and any concerns he has before we get to the Board's comments.

MR. PAULSEN: I provided you with a memo dated yesterday indicating that a fundamental concern that I have in reviewing this project is that there is a separate request, and I think you know about it, that's being forwarded by the Hunt Corporation for the area north of Indian School that would include this particular site. In essence, we have two submittals operating one at the Development Review Board and one at the Environmental Planning Commission level that's scheduled to be heard December 5, 2002. Anyway these two submittals concern the same piece of property. Specifically, this project that's before you today. There are some conflicts in terms of the designs of the two projects. I believe that the applicant is going to be taking steps to remove this project from the other one that's going to be heard by the Environmental Planning Commission on the 5th of December. I stop there with my comments because there is that fundamental conflict between the two projects, duplications on it that's my biggest concern here today.

MS. MATSON: When did you say it's scheduled to be heard by the Environmental Planning Commission?

MR. PAULSEN: There is a special hearing of the Environmental Planning commission on December 5, 2002. There will be several Uptown matters heard on that day including the larger Hunt request.

ACTING CHAIR GREEN: What is that request for?

MR. PAULSEN: There's a site plan for subdivision that includes, as I mentioned, this particular site that's before you today, along with a much larger site to the north of Indian School.

Along with an amendment to the Sector Development Plan that it really is a separate matter. I indicated in my memo to you, Roger, that I would suggest a deferral is in order. I didn't specify or recommend a time frame for that. It's simply up to the applicant. I've talked with them about it and they've indicated that they are willing to separate the two requests and not have that overlap that I've mentioned. I would be amenable to any level of deferral that they could live with. If they can do it in a week, that's fine.

ACTING CHAIR GREEN: If we were to proceed with this one and, in fact, got approval and you proceeded with the Environmental Planning commission's conflicting site plan what would be your intentions then?

MR. KLINE: I don't see how this Board could give any sort of final approval in light of this conflict. I'm stating for the public record: We are going to resolve that by removing Tract A of the Monroe Junior High School site from the action that is in front of the Planning Commission. But we have not done that yet in writing so Mr. Paulsen is correct.

ACTING CHAIR GREEN: I agree with that. We shouldn't proceed with conflicting applications.

MR. KLINE: Very well then. We would like to here comments if the members of the Board are inclined to give them to us. If there are any others not in the written comments.

ACTING CHAIR GREEN: We can do that. I don't think they are that significant. We will defer at least until after the Environmental Planning Commission hearing to give you time to address some of the Rodey Law Firm's comments and decide if you are going to withdraw one of these tracts from the Environmental Planning Commission application.

MR. KLINE: Why would we have to wait until after the Environmental Planning Commission acts if we do withdraw?

ACTING CHAIR GREEN: If you do withdraw ahead of that time.

MR. KLINE: I assume we'll do that in the next 24 hours. I already have authority to do that.

ACTING CHAIR GREEN: So you'd be asking for a one week deferral?

MR. KLINE: Please.

ACTING CHAIR GREEN: If that change or withdrawal doesn't happen then we would defer again.

MR. KLINE: I would have a terrible time walking back into this room if it doesn't happen.

ACTING CHAIR GREEN: Okay, let's go to the Board on what's before us today. Parks?

MS. SANDOVAL: Parks had no adverse comments to the Site Plan.

ACTING CHAIR GREEN: City engineer?

MR. BINGHAM: You have a site plan for subdivision, should a plat be a concurrent item? I notice a lot of easements, some right-of-way dedication. It seems that a current plat would be a concurrent requirement as well.

MR. KLINE: I can't speak to easements, maybe Mr. Topmiller can. When this site plan for subdivision was created it was with the understanding that the previous owners, Tesch Development, would be building the Loop Road on a piece of land that they would dedicate. There is a roadway easement agreement recorded with the City. At this point in time we have no intention to subdivide because we're not going to sell property to people. But that contract requires that if we ever do plat for conveyance or a lease hold interest, then we must also dedicate the right-of-way for the Loop Road, convert it from an easement to a right-of-way. We don't see what cause there would be to plat it today. It is one single tract cut down through the middle by a roadway easement.

MR. BINGHAM: A public roadway easement.

MR. KLINE: Yes.

MR. TOPMILLER: So easements for utilities would be paper documents submitted separately.

MR. BINGHAM: I do have a minor question. What's the name of the road going to be? The infrastructure list shows Uptown Loop Road, the site plan showed Americas Parkway, I wasn't sure what the name is.

MR. KLINE: I don't know if we've ever settled on a name, communally settled on a name.

MR. BINGHAM: There are three (3) different names in there.

MR. KLINE: There's a piece called Arvada, pieces called the Loop Road, there's Americas Parkway, whatever the City Engineer tells us we should put on there.

MR. BINGHAM: I don't know.

MR. TOPMILLER: It's referred to both everywhere when you look at the Design Review Committee (DRC) documents for the road construction. It's Loop Road slash Americas Parkway. We probably could use some guidance there.
MR. KLINE: After all the years it's taken to build it perhaps Yellow Brick Road would be a good choice.

MR. BINGHAM: What's affecting the infrastructure list is what the name of that road is. I just had a minor comment on your infrastructure list. If you want to call it Uptown Loop I'm fine with that. It might be the name of the road when it's all said and done anyway. I have no idea.

ACTING CHAIR GREEN: Actually the City Surveyor will determine, I think, the final name.

MR. KLINE: Would you like us to approach the City Surveyor on the issue?

MR. BINGHAM: That would be fine, that way the site plan and the infrastructure list could match accordingly. I just had a couple of clean ups on the infrastructure list you can take with you. Whatever that road will be you can adjust accordingly.

I have a conceptual grading plan dated 10/31/02 to support this with the condition that the public storm drain alignment stay in Louisiana and not snake through the property as shown. I would need an update on that plan. Bruce and I have already talked about that and we're on board with that. Other then that those are my comments at this time. I reserve the right to add further comments.

MR. KLINE: Nothing could stop you anyway.

ACTING CHAIR GREEN: Four years ago we did have a submittal on a subdivision plat. We did see a proposed plat for this site along with a site plan.

MR. KLINE: You have actually never seen Z-98-123, you saw Uptown Spectrum I which was Z-97-116. If there was a plat attached to it it was because at the time it was the developer who was to build the Loop Road and that circumstance has changed.

ACTING CHAIR GREEN: Okay. We're looking at this utility plan though as if it's going to be a subdivision. If you aren't proposing a subdivision this utility plan is not appropriate.

MR. TOPMILLER: Explain what you mean there?

ACTING CHAIR GREEN: You have multiple meters and things like that as if we'd be serving different tracts. If we're serving one large site, like a mall site, a shopping center site, we usually provide you one master meter.

Your layout is designed for multiple lots and multiple meters. So we're reviewing this and looking at it like there will be a subdivision.

MR. TOPMILLER: Now I understand. I think we need to find a way to give you some assurances on that. We do intend to plat at some point at the right time. But today it's a lease type project. We expect that at some point we would plat to create the roadway so we need to prepare for the plat someday in the future and design the utility system to prepare for that intention so that it doesn't hold us back at platting in the future. I don't know whether we give you a letter, whether we need to financially guarantee a plat or whatever it is that gives you assurances, but we kind of need to talk about that flexibility.

ACTING CHAIR GREEN: Where there any conditions from the Environmental Planning Commission requiring platting or anything like sometimes there are?

MR. KLINE: No sir. There are no such conditions this time.

ACTING CHAIR GREEN: Then why are we doing a site plan for subdivision?

MR. KLINE: We actually had that same debate this morning. Mr. Stidworthy and I had an interesting debate on that issue with Ms. Stephens before she left the Development Review Board as to what happens someday when we do want to plat or we do want to give you the right-of-way for the road. I don't have a site plan for subdivision for that to attach to. In fact, it's acting as a safeguard for the day when we meet the conditions of the roadway easement contract that make us plat.

ACTING CHAIR GREEN: Those are my main questions. Planning?

MS. MATSON: Unfortunately Advanced Planning came and got this case before I even knew it existed so I haven't looked at it. If we defer for one week I could give you some comments the day before to look at if you like.

MR. KLINE: That would be very nice. I think we've been extremely thorough in addressing the design conditions and it should be very transparent from this submittal where we changed things to meet the Environmental Planning Commission's conditions.

ACTING CHAIR GREEN: Transportation?

MR. SALGADO: I have not completed my review with the infrastructure list. I will provide comments once that is accomplished. I would like to get together with your group and discuss the site plan conditions. If you could provide me with a copy of the Environmental Planning Commission's approved site plan, for some reason it's unattainable from our area. I could not find it anywhere.

ACTING CHAIR GREEN: Any other comments? Questions?

MR. KLINE: We'll do our best with that. I didn't realize that there was a deficiency.

MR. SALGADO: I do have some concerns about your sidewalk and wheel chair ramps. It will be a paper easement that will be required from that aspect.

MR. KLINE: I think ADA Accessibility was one the conditions of the Environmental Planning Commission. I think Mr. Dunning we addressed it as thoroughly as we could.

MR. SALGADO: I'm concerned about the wheelchair ramp protruding onto the property. Once it protrudes onto the property you will need a paper sidewalk easement to cover that area.

MR. KLINE: So where we have that major pedestrian way that goes through the site and we have the ramp parallel in the stair system.

MR. SALGADO: Right, anything that protrudes onto your site, especially the wheelchair ramps is part of the City property so we need to have a paper easement for that.

MR. TOPMILLER: That would be an easement under the term public roadway easement or something like that just to cover that.

MR. SALGADO: It could be just a sidewalk easement. A paper easement would be fine.

MR. TOPMILLER: I don't see any problem with that.

MR. KLINE: Gentlemen any concerns?

MR. TOPMILLER: No. The meetings with these guys.

MR. KLINE: We'll call you probably this afternoon.

ACTING CHAIR GREEN: Kevin did you have anything to add or information for the Board?

MR. CURRAN: No, I have nothing to add.

ACTING CHAIR GREEN: So you're requesting a one-week deferral?

MR. KLINE: Please.

ACTING CHAIR GREEN: Okay, we'll defer Item 10 one-week to the meeting of November 20, 2002.

MR. KLINE: Thank you.

THE FOLLOWING ACTION WAS TAKEN:

THE ABOVE REQUEST WAS DEFERRED AT THE AGENT'S REQUEST TO NOVEMBER 20, 2002.

DRB MINUTES FROM THE NOVEMBER 20, 2002, DEVELOPMENT REVIEW BOARD MEETING.

9. Project # 1002337
02DRB-01708 Minor-SiteDev Plan BldPermit/EPC
02DRB-01710 Minor-SiteDev Plan Subd/EPC

HERB DENISH AND ASSOCIATES, INC. agent(s) for UPTOWN II, LLC request(s) the above action(s) for all or a portion of Tract(s) A, **MONROE JUNIOR HIGH SCHOOL,** zoned SU-3 Inside and Outside Intense Core, located on LOUISIANA BLVD. NE, between INDIAN SCHOOL RD. NE and INTERSTATE 40 containing approximately 12 acre(s). [DEFERRED FROM 11/13/02] [Bob Paulsen, EPC Case Planner] (J-19)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Lawrence Kline, Herb Denish & Associates, Inc., P.O. Box 2001, 87103
Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE. 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109

CITY STAFF PRESENT:

Bob Paulsen, Principal Planner

PERSONS SPEAKING IN FAVOR:

Jeffrey Paul, 1000 Grove NE, 87110

PERSONS SPEAKING IN OPPOSITION:

Michelle Henrie, Rodey Law Firm, 201 3rd Street NW, 87103

ACTING CHAIR GREEN: That brings us to Item 9, Project #1002337, Site Development Plan for Subdivision, Site Development Plan for Building Permit. This was deferred from a week ago. Would you state your names and interest in the project for the record.

MR. KLINE: My name is Lawrence Kline, Vice-President of Herbert M. Denish & Associates, P.O. Box 2001, Albuquerque. I'm representing Hunt Uptown II, LLC.

ACTING CHAIR GREEN: One of the main reasons for the deferral was to give you time to revise or withdraw a portion of your site plan, I believe, that's coming to the Environmental Planning Commission. Was that done?

MR. KLINE: Yes sir we did write a letter requesting withdrawal of Tract A, Monroe Junior High School site from our Site Plan for Subdivision application. I think Mr. Paulsen can confirm that it was done.

MR. PAULSEN: That is correct Mr. Chair. We are in receipt of that letter.

ACTING CHAIR GREEN: So we are not addressing conflicting site plans or anything else at this time?

MR. PAULSEN: That is correct.

ACTING CHAIR GREEN: Any other updates?

MR. KLINE: I have a new infrastructure list, really a revised infrastructure list.

ACTING CHAIR GREEN: To address our comments from last week or this week?

MR. KLINE: None to address. The Parks Department, I think we're still good to go there. Mr. Bingham had asked the question of what is this road really named. We polled the jury and jointly decided that we'd like it to be Uptown Loop Road. I think as the Chairman knows, there are pieces of it that various names, but for the purposes of this site plan for subdivision and this project, Uptown Loop Road is good to go we thought. All of our drawings, all of our originals still say Americas Parkway. I assume that we can make an administrative change to those drawings here and take out the Sharpie and change the name.

MR. TOPMILLER: I was offering a suggestion that if we have some site plan changes like that, that are fairly minor, maybe we could do those off the table and delegate it to Planning or whatever.

MR. KLINE: Would you address Traffic Engineering's comments from last week too?

MR. TOPMILLER: The issues at that time were primarily spending time to look at the infrastructure list and make sure the EPC conditions were complied with. We did develop the infrastructure list which has been passed out. The primary changes have to do with all the transportation elements and we spent a good deal of time yesterday on those. I think Nilo was also looking for an original site plan because files were missing that site plan. I understand he got that and we referred to it yesterday as well. I believe all those issues are clear there too.

MR. KLINE: The remaining largest issue I suppose was the fact that the Planning Department had not yet reviewed our letter in response to the conditions of the Planning commission. I believe they have done so at this point and provided the Chairman with a letter responding to each of the conditions.

I'm pleased to note that most of them say that the condition has been satisfied. There are about 4 that we need to work on. We need to add some building elevations, some site lighting locations, put in some benches, take out a couple of signs but nothing, I think, that would warrant another deferral from the Planning Department's point of view. We are here for the administrative function of the final sign off of the site plan for subdivision and the site plan for building permit. We think we have met the conditions of the Planning commission and the various technical agencies. We request approval and delegation to the extent that we can get it.

ACTING CHAIR GREEN: We'll go through the Board for any additional comments. Parks?

MS. SANDOVAL: Parks has no adverse comment.

ACTING CHAIR GREEN: City Engineer?

MR. BINGHAM: With the corrections on the Infrastructure List and the approval of the Conceptual Grading and Drainage Plan dated 10/31/02 I can sign the infrastructure list. I have to take delegation on the site plan for the SIA (Subdivision Improvements Agreement).

ACTING CHAIR GREEN: As far as Utilities, I had one outstanding item which was the Fire Marshal's approval of the site plan showing the location and number of fire hydrants. Has that been done?

MR. KLINE: Yes, right here.

ACTING CHAIR GREEN: We didn't get any copies of it? It's just on the original at this time?

MR. TOPMILLER: We do not have copies of it. It is on the original.

ACTING CHAIR GREEN: I'll wait and see where we stand today. I'll have to take a look at that. That's the only outstanding comment I had. We'll go to Planning?

MS. MATSON: I'm going to defer to Bob Paulsen.

MR. PAULSEN: Mr. Chairman and Board members, as Mr. Kline indicated I've provided and update, sort of a follow-up memo to the memo I provided to the Board last week. Reviewing the submittal in light of the Planning Commission's approval and going through each condition of the Planning Commission and indicating whether I believe there was compliance with that condition or not.

I think Mr. Kline as correctly characterized the submittal as requiring some minor adjustments. Additions and so forth to meet the technical conditions of the EPC's approval.

One thing I did want to highlight for you and it's specified in the memo I provided that's dated the 19th of November, is that two of the conditions on the site development plan for building permit referenced a, and those are Conditions 15 and 21, referenced a now defunct subcommittee of the Environmental Planning Commission. It was the Site Plan Review Committee. That Committee has not been in existence for several years now. In evaluating how to resolve these items speaking with representatives of the legal office and talking with the applicant as well, decided to take those two items to the Planning Commission hearing on December 5, 2002, for their review and direction to our staff as to whether these conditions meet their satisfaction. So, in place of the Site Plan Review Committee, we are taking these two conditions back to the Planning Commission as advertised items at the hearing on December 5, 2002, for their review and again their direction to staff. So while a final sign off cannot be completed until following that December 5, EPC hearing, I certainly have no objection to delegation of either of these site development plans in the meantime. The Planning Commissions review only concerns the site plan for building permit and not the site plan for subdivision.

The site plan for subdivision there are very few conditions related to that imposed by the Planning Commission and there's only one additional change that I'd like to see on that portion of the submittal. Other than that I think it's fine. Again, the site plan for building permit, the final sign off cannot occur until after the December 5 Planning Commission hearing.

ACTING CHAIR GREEN: But you're saying that wouldn't hold up the Site Plan for Subdivision?

MR. PAULSEN: Mr. Chairman I don't believe it would hold that up. Again, I don't believe that the review by the Planning Commission should hold up further review and/or delegation of this matter off the Agenda today. These are two conditions that are very specific to planning and design related matters. I don't think it affects, nor will affect the review of the other agencies.

ACTING CHAIR GREEN: Do we have separate original sets? One separate for Subdivision Site Plan and Building Permit or are they combined?

MR. KLINE: They are a single sheet at this time Mr. Chairman.

ACTING CHAIR GREEN: Anything else from Planning?

MS. MATSON: No.

ACTING CHAIR GREEN: Transportation?

MR. DOURTE: We went through the EPC Conditions apparently there are none that have not been complied with. Everything has been complied with however, with the construction of Americas Parkway or Uptown Loop Road and with other projects that may be pending in this area, I need to have delegation to make sure that this conforms and meets those requirements and those plans.

ACTING CHAIR GREEN: So far we've got City Engineer, Transportation and Planning cannot sign.

MR. BINGHAM: I can delegate the SIA (Subdivision Improvements Agreement).

ACTING CHAIR GREEN: That was your only outstanding item, the SIA (Subdivision Improvements Agreement). Response to any of the Board's comments/requirements?

MR. KLINE: I feel pretty comfortable Mr. Chairman.

ACTING CHAIR GREEN: As far as the sign-in sheet, I have two names and for those people be aware that today we only want to address comments as the Boards only relating to the conditions set by the Environmental Planning Commission. This is not a per se public hearing for testimony on other items. Please keep your comments directed to the Environmental Planning Commission conditions. So first is Jeffery Paul state your name and address for record.

MR. PAUL: My name is Jeffery Paul. I live at 1000 Grove NE. I'm not sure if my comments are really relevant based on what you just said. I'm Vice-President of the Jerry Kline Park Neighborhood Association. I just wanted to comment on some discussions we've had for the project overall. I'm not sure whether this is appropriate or not but it will be very short. So run me out of here if it's not appropriate and I won't feel bad.

ACTING CHAIR GREEN: We can tell you if it's appropriate or not.

MR. PAUL: We had a meeting a couple of weeks ago and both this project as well as the Winrock project were addressed in our general membership meeting. There was no opposition stated from any of our members for this project.

Several years ago I was vice-president of the Mark Twain Neighborhood Association which is adjacent and there was another project being designed at that time. I did a survey of about 80 homes in our area and 80% to 85% agreed that they were in favor of restaurants, small businesses and so on in that area. Both to take care of some aesthetic needs, to get something built on that land, but also to enhance what the planned use is of that area. So our neighborhood association has not had any opposition to this.

Speaking just as a neighbor and having lived in this neighborhood for 11 years, my wife grew up in this neighborhood, we really feel that the planned use and what they are planning to do construction wise as well as the actual use is very complimentary to the area and to the neighborhood rather than contradictory. We fully support this project personally as well.

ACTING CHAIR GREEN: This plan before us is the one that the Environmental Planning Commission heard in 1998. So it's probably the older one you referred to.

MR. PAUL: Yes, there's been several.

ACTING CHAIR GREEN: There are some new Winrock things and other things coming before the Environmental Planning Commission on December 5 that you might want to attend that. That's a public hearing for public comment.

MR. PAUL: Thank you.

ACTING CHAIR GREEN: Michelle Henrie?

MS. HENRIE: Mr. Chairman, Board Members, Michelle Henrie, I'm with the Rodey Law Firm. I have been sending you all those letters. I have some comments on procedure if I can make them as well as conditions, if that's all right with you.

ACTING CHAIR GREEN: Sure.

MS. HENRIE: Just to remind you, you are being asked to approve a project that has sat on the shelf for four (4) years and you are being asked to approve a minor subdivision. I don't think that is appropriate given that we have not even seen a subdivision plat. The application says that it is a Subdivision from 1 to 3 parcels. I can't even figure out which parcels are the three (3) parcels. Is it the big tract and then the 2 smaller tracts and the road is carved out separately or do the parcel lines actually go to the center of the road. I don't know and I think we need to see a subdivision plat before you are asked to approve a site plan for subdivision.

The second point is I don't think it's a minor subdivision. I brought this up briefly in my letter. The first point was the infrastructure. I have not seen the revised infrastructure list that was passed out to you. My understanding is that the infrastructures meant to support the whole project which has at this moment 12 different uses on it. If that project is subdivided at a later time, that's just tract one, that's not a minor subdivision. That's a major subdivision. We're looking at a theatre, a hotel, two restaurants, seven retail uses plus the housing component. I think it's putting the cart before the horse to consider this a minor subdivision given the infrastructure concerns.

The next point I have is I do believe this matter should have been noticed and taken to a hearing. The people who are entitled to notice for a minor site plan amendment according to the Zoning Code are the neighborhood associations and the adjacent property owners. None of which were notified about this hearing. If one of two things happens, and the first is if there might be a person substantially aggrieved by the altered plan. It says might be and I think that's why we argued that this matter should have been noticed in the first place. We think there might be, given that there's been four (4) years since this plan was looked at.

We believe that for any project there's two things that happen. The first is the pre-existing conditions. That might be the terrain, that might be the surrounding neighborhood, all of those conditions are what I call the "X" factor in a development. The "Y" factor is the project that's being proposed. We are seeing changes to the "Y" factor, but I think it's incumbent on this Board to also consider changes to the "X" factor over the last four (4) years before considering this a minor site plan amendment.

My next point is that notice should be given not only if somebody might be substantially aggrieved but if the total building square footage would be increased by more than 2%. I didn't even add this up until this morning, but, let me tell you the old site plan back from 1998 shows a total square footage of 455, 570 square feet. The new site plan shows a total building square footage of 455, 570 square feet, the same number, plus housing. We've got to consider that. The total building square footage when you add the housing, well we don't know what the square footage of the housing is. I couldn't find it anywhere in the plans that were submitted. If that number, according to my calculations, I'm not a good mathematician, but my number is that if you take 455, 570 square feet, 2% of that is 9,111 square feet. If the housing component exceeds that I think, under the Zone Code, this has to be noticed and taken to hearing. It looks like there is going to be 19 units. If those units are less than about 500 square feet per unit they make it. If they do 24 units the number comes down even more. A guesstimate based on the calculations on the housing sheet, it looks to me like the 24 units are around 15,000 square feet. I think that's a number you need to know before you go forward with this project.

Going to the conditions, let me back up to that, one of the conditions, it's number 1B, specified that there must be an agreement between Uptown Spectrum property owner and Winrock. The applicants are taking the position that Winrock is contractually bound to construct the loop road under the existing construction plan. Kevin, you might pop in here, but my understanding and our position, Winrock's position, is that those construction documents, let me back up.

The agreement among Winrock, the state and the City does allow, expressly allows for the realignment of what is known as Street A.

Street A is not the loop road but it is next to the loop road and there will be some relationship between them and trans exit these sorts of things. Until Winrock and the City are able to agree on that realignment of Street A, Winrock is not contractually bound to construct the loop road.

Let me just show you, this is Winrock site plan for their project called The Avenues, that's before the Environmental Planning Commission. In yellow we've indicated the loop road. The orange indicates the Hunt parcel, the rest is the Winrock parcel. You can see that there is a good portion of it that is not under Winrock's control whatsoever. There is a portion of it that feeds into that, that is still being worked out. Part of the Hunt project includes some entrance or exists onto that portion of the loop road. In addition, this intersection is terribly important to Winrock and it's of great concern to us that not be inhibited by the Hunt project if it goes forward.

MR. DOURTE: Did not Winrock sign an agreement that stated that they could construct the Uptown Loop Road. Yes or No.

MS. HENRIE: They signed an agreement Richard, I'll read the provision to you that I'm referring to.

MR. DOURTE: It just says they have to sign an agreement or agree to it. I believe that took place.

MS. HENRIE: There is an agreement signed. The agreement expressly allowed....

MR. DOURTE: The agreement was signed.

MS. HENRIE: The agreement was signed, it was signed. What it says is "if the Street A alignment shown in the attachment to the agreement needs to be adjusted in the future for the benefit of Winrock. The City will reasonably consider modification of the right-of-way alignment and related improvements and Winrock will pay the costs". That's the hold up right now as to why the construction has not been going forward in my understanding. Kevin is more involved in that project then I.

One more thing, I think you're doing exactly the right thing to send the housing issue back to the Environmental Planning Commission. I commend you for that decision. Housing is a terribly important thing. We think it was important to EPC back in October of 1998. They wrote it into the conditions. They rewrote the Sector Plan Amendment that's included in the Sector Plan. We believe that the conditions and sector plan need to be interpreted so that housing is a part of Phase 1. It is concurrent with the expansion of retail. What the Sector Plan Amendment did is it bumped up the retail quotient from 10% to 20% for those uses inside the loop road.

We think that the trade off for having more retail was that housing would go along with it. That's what makes this a sustainable win-win situation. It's really important that housing be a part of Phase 1.

Our big concerns are number one, if you can condition the approval, we would like some reference that the loop road approval, these would be Hunt's, does not affect Winrock's ability to go forward. For example, their site plan does not show this intersection right here that is very important to us because it leads right into the main avenue for Winrock's new project.

Number two, we would ask that the housing component be required for the Phase 1 portion of the project. That's all I have, thank you.

ACTING CHAIR GREEN: I'm confused on the housing component. Is that the hotel or what is the housing component?

MS. HENRIE: Chairman Green, I'm confused on where the housing is going to go to be quite honest. From Mr. Kline's letter it looks likes it's probably going to go on the garage, maybe on the hotel, we're not really sure. It's not been nailed down to my satisfaction. We understand the conditions of the Environmental Planning Commission to be that there is a required housing component. There is a certain number of units that need to be built. In this case, based on the square footage, I believe those were calculated to be 19. The fact that they have to be built where we think, indicates that they need to be built along with the other uses that are going on the property. The retail uses in particular because that was the trade off in the Sector Plan Amendment. Did I answer your question?

ACTING CHAIR GREEN: I think I'll have Bob Paulsen maybe clarify the housing for me or Kevin.

MR. CURRAN: My name is Kevin Curran, I'm the Assistant City Attorney. I'll address a few comments based on the characterization of the road agreement. The road agreement allows modifications to Street A or otherwise known as the Ring Road. It requires the City to reasonably consider those modifications. That has been done by the City and it has been rejected by the City. The City has performed its obligations in that respect under the agreement. Therefore, I would take objection to Ms. Henries characterization of the agreement as there being a problem. The City has complied with the terms of the agreement and the City now expects Prudential , Successor in Interest to the property to perform it's obligations under the agreement by conveying the Street A easement to the City. The provision that Ms. Henrie also read also requires prior to any modifications being made to Street A, to be approved by the Federal Highway Administration and the New Mexico State Highway Department. Those two entities have not approved the modifications as well. That's all I have to say about that.

MS. HENRIE: Can I respond?

ACTING CHAIR GREEN: Okay, let's clear this up.

MS. HENRIE: You can tell why there is a disagreement about this and hopefully it will be worked out because we all would like to see all of these projects go forward.

Kevin I don't know if you've gotten this letter dated November 14, 2002 from the State Highway Department. We understand that the State Highway Department agrees with our understanding of the contract. There is clearly a legal problem here and legal problems tend to slow down the development. In any case that is a live problem.

ACTING CHAIR GREEN: Let's address the housing question.

MR. PAULSEN: Yes, there is a requirement for housing to be part of this plan based on retail square footages and there's been an amendment that was approved that has been added to the Uptown Sector Development Plan. I believe, in fact, the applicant is proposing housing as Ms. Henrie indicated. The plans for that are included in the submittal and in fact elevations of the housing are submitted as part of the packet so I'm not really sure about the nature of the concerns that she has regarding this. Maybe she just needs to clarify that more, we need to look into it. There is housing proposed in the package and I don't believe there are requirements as to phasing of it. Certainly I can look that over and see if there's any tie to it. I believe you don't have the ability to impose additional conditions such as a phasing requirement or a timing requirement going beyond the Environmental Planning Commission as per housing. I would advise you not to take any measures in that regard. If there is any confusing or lack of clarity about the housing I certainly want to have that resolved before this is signed off by the Development Review Board.

MS. HENRIE: I agree Bob there are elevation plans. There are not that I could find and easily interpret square footage indications. That square footage is what might trigger the change in this site plan over 2% of the total building space. If it's over 2% I believe the zone code requires this matter to be noticed and sent to a hearing. Do you need a citation on that, Section 14-16-2-22a(6). That's the real concern is the square footage. I also don't really understand where exactly it's going to go but that's a separate issue.

ACTING CHAIR GREEN: To clarify your initial questions on the public hearing or notification process, my understanding is we've met all those conditions. You keep bringing up that it's not a minor plat and things like that. We've gone through the Environmental Planning Commission hearing and all the infrastructures are tied to the Site Plan not a Plat so Kevin can address that but I think all of our requirements have been already met and no further public hearings or notifications are needed for what's before the Board.

MS. HENRIE: Kevin did you have a comment?

MR. CURRAN: I'm not that familiar with this issue so I'm reluctant to comment on it. If you want to explain it to me in more detail perhaps I can advise you on it.

ACTING CHAIR GREEN: Ms. Henrie I think was implying that our public notification requirements were not being met my our policies or ordinances. Is that correct?

MS. HENRIE: That's correct. In the portion of the Zoning Code called Special Use Zone, which is 14-16-2-22, there is a procedure for amending an approved site development plan which I understand this process to be. There are changes to the site development plan. It's been characterized as an amendment to the site development plan that was approved by the Environmental Planning Commission.

ACTING CHAIR GREEN: I don't believe we're doing an amendment.

MS. HENRIE: Okay.

MR. DOURTE: What is the amendment?

MS. HENRIE: Isn't the amendment adding housing?

MR. DOURTE: I guess Bob Paulsen might be able to answer that question.

MR. PAULSEN: I certainly don't characterize this as an amendment. This is a final sign off and the housing is being included as a requirement, as a condition of the Environmental Planning Commission. As well as a condition for the requirement of the Sector Development Plan, although the Environmental Planning Commission did not see elevations for the housing at the time the site plan came before them, they conditioned that such changes must be included in the Development Review Board submittal to obtain final sign off.

In my understanding and certainly the procedures that we follow on a routine basis this would not qualify as such an amendment that you believe it to be. So I don't think we're in a process of amending a site development plan. This is a final sign off for site development plan for subdivision and for building permit by the Development Review Board. Simply carrying out the conditions of the Environmental Planning Commission's approval. I don't think it meets those requirements that you're suggesting in that regard. There are new components. Those components are mandated by the Planning Commission and I have other comments in my letter or memo if you've seen them, addressing concerns I have in terms of whether or not this project precisely meets what the Environmental Planning Commission approved.

You have to go back and look at some of those things and make sure there is adequate detail and so forth. The Development Review board does not have a choice as to whether or not housing should be included. It's mandated by the Planning Commission. If it's not put in place to the level that it meets the specific percentage requirements, this plan would have to go back to the Environmental Planning Commission and an advertised hearing.

MS. HENRIE: As I understood it there were minor changes to the approved site development plan. Even though the Environmental Planning Commission mandated it the fact that those changes represent more than 2% of the total building square footage of the originally approved plan is enough to require the trigger that it go back to public notification and public hearing. The public has a right to consider those changes. That's what I understand the intent at a minimum of this portion of the zoning code to say. If it's more than 2% it's something that people probably want to know about and have a right to speak to. That's how I understand it Bob and again, it sounds like we have a live issue here.

ACTING CHAIR GREEN: That's further reason you want delegation to go back to the Environmental Planning Commission with some of those other issues that you addressed before right?

MR. PAULSEN: The reason this has to be back to the Environmental Planning Commission is related to the housing issue certainly but I think I understand what Ms. Henrie's interpretation of the code in this regard. Our typical interpretation would not agree with hers or would not be consistent with her interpretation. However, this does have to go back to the Environmental Planning Commission in regards to housing in terms of the design of that housing.

ACTING CHAIR GREEN: Won't that issue or her concerns be brought up at that time?

MR. PAULSEN: Yes, they will be brought up at that time.

ACTING CHAIR GREEN: So I think we've got you covered there.

MS. HENRIE: I'm not sure but it sounds like this will play out however it plays out. Thank you.

ACTING CHAIR GREEN: Any last comments from the agent?

MR. KLINE: I'd like to thank Mr. Paulsen for his comments. I think the Board and the other members of the staff here have done a good job of addressing the questions from the Rodey Law Firm. No comments to make on those. Unless you have some questions for me once again we're here for the ministerial function of the signing off of the site plan for subdivision and building permit as

mandated and consistent with the conditions imposed by the Environmental Planning Commission we request approval and delegation.

MR. DOURTE: I have one minor item to bring up if I may. Lawrence on your site plan they did request, Rodey Law Firm did request that the access point which goes into the Winrock site be removed. If that was removed would that affect the site plan?

MR. KLINE: Someone would have to show me exactly which access point is being discussed?

MR. DOURTE: This is what I understand, this one right here. Is that correct ma'am, you were concerned with? As long as that would not trigger any need for amendment Bob if they just deleted, erased that in there?

MR. KLINE: I consider that question inappropriate. Since day one when this was the Tesch Development known as Uptown Spectrum the land owner, including my client, has taken reliance on the G5 alignment of the sector plan on the construction documents which were derived from the G5 alignment, from the contract which was agreed to by Winrock who filed the original law suit that resulted in the G5 alignment. We will entertain no changes to the contract drawings.

MR. DOURTE: That's fine. Actually this does not affect the agreement anyway. I don't see these as binding, but if you choose not to that's fine.

MR. KLINE: I don't want to discuss what happens on the other side of the road frankly, we just want to see the Loop Road right-of-way granted, roadway easements granted, constructed as the public body all of us have agreed that it should be constructed over the last 15 years.

MR. DOURTE: That's fine.

ACTING CHAIR GREEN: Do any of the Board members have any additional comments?

MR. KLINE: I have one request of the Rodey Law firm if I may? If we're going to talk about moving targets and changing plans I wish they would deliver us a copy of the new site plan submittal that they made to the City on Friday.

ACTING CHAIR GREEN: I don't know what site plan you are referring to? For the Winrock?

MR. KLINE: Yes.

ACTING CHAIR GREEN: I don't want to see that, but I do need to see your Fire Marshal approval. No objections from the Board members. Claire, we'll approve the Site Plans application numbers 02DRB-01708 and 02DRB-01710 and delegate final sign off to City Engineer, Transportation and Planning and the signing of the Infrastructure List dated today.

THE FOLLOWING ACTION WAS TAKEN:

THE SITE DEVELOPMENT PLAN FOR BUILDING PERMIT AND SITE DEVELOPMENT PLAN FOR SUBDIVISION WERE APPROVED WITH FINAL SIGN OFF DELEGATED TO CITY ENGINEER, TRANSPORTATION DEVELOPMENT AND PLANNING. THE INFRASTRUCTURE LIST DATED 11/20/02 WAS APPROVED.

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

January 7, 2003

Lawrence Kline
Herb Denish & Associates, Inc
500 Marquette, NW, Suite 350
Albuquerque, New Mexico 87103

Dear Mr. Kline:

This is to inform you that the DRB final sign off approving the Monroe Junior High School Site Plan, Case # 1002337 occurred today, January 7, 2003.

Please call me at 924-3989 if you have any questions.

Sincerely,

Roger Green, P.E.
Acting DRB Chairperson

cc: Michelle Henrie, Rodey Dickason Sloan Akin & Robb,PA
Kevin Curran, Assistant City Attorney
John Myers, Myers Oliver Price, PC
Bill Sterchi & Lynn Tabor, Alvarado Park N.A.
Stephen Verchinski & Mary Lou Sorenson, Classic Uptown N.A.
Bob Bruno & Richard P. Huber, Inez, N.A.
Julie Jones & Jeff Paul, Jerry Cline Park N.A.
Valorie Vigil & Mark Trujillo, New Kimo N.A.
Timothy Sanchez-Brown & Orlando Esparza, Quigley Park N.A.
Dorothy Finaldi & Rick Paul, Snow Heights N.A.
R. Shelton Weeks & Tom Joule, Uptown Association
Richard Peterson & John Kinney, Winrock South N.A.
Virginia Emmett & Nick Wees, Zuni N.A.
Ike Eastvold, Fair Heights N.A.

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

cc(con't):

Susan Johnson, Elizabeth Begay, John Briscoe, Larry Chavez, Jeffrey Jesionowski, Mick McMahon, Bevin Owens, Camilla Serrano, EPC Members
Victor Chavez, Planning Department Director
Paula Donahue, Staff Planner

City of Albuquerque

P.O. BOX 1293 ALBUQUERQUE, NEW MEXICO 87103

December 9, 2002

Rodey Dickason Sloan Akin & Robb PA
P.O. Box 1888
Albuquerque, NM 87103
Attn: Michelle Henrie

RE: APPEAL 02EPC-01836 (SBP) and 02EPC-01837 (SPS)/PROJECT #1002337 (CASE WAS HEARD UNDER APPLICATION #02-01708 (SBP) and #02-01710 (SPS)

Dear Ms. Henrie:

The above referenced appeal, which was filed December 3, 2002, has been scheduled to be heard before the Environmental Planning Commission (EPC) on **Thursday, January 16, 2003.** The meeting will be held in the **Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd Street, NW, 87102.**

I have attached a copy of the appeal form and the reason for appeal. Approximately one week prior to the hearing, you will receive a copy of the agenda and a staff report. **THIS WILL SHOW YOU WHERE YOUR CASE WILL BE ON THE AGENDA.**

If you have any questions, please contact Claire Senova, Administrative Assistant at 924-3946.

Sincerely,

Roger Green

Roger Green, Acting Chair, Development Review Board

cc: Chris Dunning, Dekker, Perich Sabatini Architects, 6801 Jefferson NE, 87109
James Topmiller, Bohannan Huston Inc., 7500 Jefferson NE, 87109
Jeffrey Paul, 1000 Grove NE, 87110
Hunt Uptown II, LLC, 500 Marquette NW, Suite 350, 87102
Herb Denish & Associates Inc., P.O. Box 2001, 87103
Don Newton, Office of Neighborhood Coordination,
File

THE CITY OF ALBUQUERQUE IS AN EQUAL OPPORTUNITY/REASONABLE ACCOMMODATION EMPLOYER

UNAPPROVED

ENVIRONMENTAL PLANNING COMMISSION

M I N U T E S

Thursday, December 5, 2002

COMMISSION MEMBERS PRESENT: Alan Schwartz, Chairman
Susan Johnson, Vice Chair
Camilla Serrano
John Briscoe
Larry Chavez
Mick McMahan
Bevin Owens
Elizabeth Begay
Jeffrey Jesionowski

STAFF PRESENT: Robert Paulsen, Development Services Div., Planning Department
Russell Brito, Development Services Div., Planning Department
Juanita Vigil, Advance Planning Division, Planning Department
Paula Donahue, Advance Planning Division, Planning Department
Tony Lloyd, Transportation Development Div., Planning Department
David Suffling, Assistant City Attorney, Legal Department
John Castillo, Assistant Director, Public Works Department
Fran Tapia, Recording Secretary, Planning Department

****

1. Called to Order at 3:05 p.m.

A. Announcement of Changes and/or Additions to the Agenda. The following items were withdrawn or deferred at the request of the applicants.

B. Approval of the Amended Agenda
C. Approval of Minutes of October 17, 2002

UNAPPROVED

3. Project # 1002124
02EPC-01154 Text Amendment

HERBERT M. DENISH & ASSOCIATES, INC., agent fo HUNT UPTOWN, LLC requests text amendments to th Uptown Sector Plan SU-3 Zone for the Uptown Urban Center Intense Core and the SU-3 Zone for the Uptown Urba Center: Outside of Intense Core, located on the NW, NE, S & SW QUADRANTS OF LOUISIANA BLVD. NE AND INDIA SCHOOL ROAD NE, containing approximately 297 acres. (H 18) Paula Donahue, Staff Planner

4. Project # 1002247
02EPC-01472 EPC Site Development Plan-Subdivision

HERBERT M. DENISH AND ASSOCIATES, INC. agent fo HUNT UPTOWN, LLC AND HUNT UPTOWN II, LLC request approval of a site development plan for subdivision for all or portion of Tracts A1, B1, and B2 of St Pius X, zoned SU-3 fo the Uptown Urban Center: Intense Core, SU-3 for the Uptow Urban Center: Outside of Intense Core, and SU-2 for R-2 an O-1 uses, located between LOUISIANA BLVD NE, an ESPANOLA STREET and between ARVADA AV. NE an INDIAN SCHOOL RD. NE, containing approximately 28 acres (H-19) Paula Donahue, Staff Planner

2. The Planning Department requests review and direction from the EPC relating to Development Review Board Project # 10002337/02DRB-01708, specifically concerning 2 Conditions imposed by the EPC on October 15, 1998 on a Site Development Plan for Building Permit, application Z-98-123, for a portion of Tract A, Monroe Junior High School, located at the southeast quadrant of the intersection of Louisiana Boulevard and Indian School Road NE containing approximately 12 acres. (J-19)

BOB PAULSEN: Good afternoon Mr. Chairman, members of the Planning Commission. I'd like to announce some requested changes to today's agenda. It's my understanding is that the applicant for Agenda items # 3 and 4, Project 1002124 and Project 1002247, is going to request deferral of these items here today. We have not received anything written from them regarding this request but I would suggest that you ask them to come to the podium and clarify whether or not they are in fact requesting deferral. Other than that there has been no requested changes to the Agenda.

CHAIRMAN SCHWARTZ: Who's going to speak on behalf of Denish & Associates? Mr. Kline, or Mr. Denish?

HERB DENISH: Mr. Chairman, members of the Commission my name is Herb Denish, I'm here today asking for a deferral on Items 3 & 4 and requesting the verification of compliance on only two items of item 2 which we would like to take up in

its entirety. The amount of deferral time on Item 3 & 4 will be certainly at the pleasure of the commission. We were thinking 60 days and we thought earlier 30 days but given the constraints of the holidays etc. we would think that a 60 days deferral on those two items would be in order. We would like to definitely go through item 2, verification of compliance items, but I know Mr. Paulsen will begin with that is my understanding.

CHAIRMAN SCHWARTZ: Any questions for Mr. Denish? Alright, Mr. Paulsen would it be advisable to go for 60 days here and pick one of the off dates in February? I'm looking at the calendar and we have Thursday, February 6th.

BOB PAULSEN: Mr. Chairman given the complexity and of the importance of these two items I think it would be appropriate to have it on an off Thursday, which would be at your pleasure. My understanding is that you try to stay away from that first Thursday of the month. But certainly either one of these dates will work for Staff in February: 6th, 13th or the 20th, which is the all day hearing day.

CHAIRMAN SCHWARTZ: Is there any objections to the February 6th date?

DAVID SUFFLING: Mr. Chairman.

CHAIRMAN SCHWARTZ: Mr. Suffling.

DAVID SUFFLING: I have a three week trial that begins on January 30th. It actually might not take three weeks and there may be some legal questions on these items, maybe not, but I'd like to be here, although I don't think that that's critical but if it's a close call between the 6th and the 13th, I would suggest that the 13th might be a little bit better.

CHAIRMAN SCHWARTZ: The 13th we couldn't start until 5:00 and I don't know if that's a good idea or not.

COMMISSIONER JESIONOWSKI: Why.

CHAIRMAN SCHWARTZ: Study Session day.

COMMISSIONER JESIONOWSKI: Bag the Study Session.

CHAIRMAN SCHWARTZ: We could move the Study Session up to 3:00 and start at 4:00.

BOB PAULSEN: Mr. Chair, Commissioners we have yet to advertise the Study Session or the hearing or any of the February cases yet, so we would have an opportunity to set that hearing time and the Study Session at your pleasure.

UNAPPROVED

CHAIRMAN SCHWARTZ: So what are we saying the 13th? Mr. Denish is that satisfactory?

HERB DENISH: Whatever is appropriate and responsive to you, is fine.

CHAIRMAN SCHWARTZ: Okay let's make it Thursday, February 13th and we'll have the study session at 3:00 and start the hearing at 4:00pm. Is there a motion to that affect?

COMMISSIONER JESIONOWSKI: So moved.

COMMISSIONER BEGAY:Second.

CHAIRMAN SCHWARTZ: We have a motion and second. Excuse me, well it's more time than they would have today.

(Inaudible)

CHAIRMAN SCHWARTZ: Do you want to move it up?

COMMISSIONER JESIONOWSKI: No I think it's a good day I'm just wanting to know if we are also going to hear or see the site development plan at the same time, or are we just talking about the sector plan amendment?

BOB PAULSEN: Both.

CHAIRMAN SCHWARTZ: The item that is on today's agenda # 3 & 4.

COMMISSIONER JESIONOWSKI: Okay so we'll see it all, okay that's fine.

CHAIRMAN SCHWARTZ: So I think that's probably enough time. Okay, we have a motion and a second to defer these to February 13th to be heard at 4:00 and our study session will be moved up to 3:00. All those in favor say aye. Any opposed? That passes unanimously. That's all that we have for agenda items. Minutes.

COMMISSIONER JESIONOWSKI: Mr. Chairman I move that we approve the minutes as amended and the packet showing the proper people at that meeting. So I would move that approve the minutes of October 17th as written.

COMMISSIONER BEGAY:Second.

CHAIRMAN SCHWARTZ: Motion and second, all those in favor say aye. That passes unanimously. We're saying that it passes 7-0 with two abstentions of persons who were not here at the meeting that would be Commissioner's Briscoe and Commissioner McMahan. Agenda item #2.

BOB PAULSEN: Mr. Chairman, Commissioners agenda item #2 is a very unusual item that relates to a EPC approval of a site plan for building permit and associated site plan for sub-division, that also with had an associated text amendment to the Uptown Sector Development Plan that was acted on by the Planning Commission back in the Fall of 1998, I think it was October 15 of 1998. Specifically, it concerns two conditions relating to the site plan for building permit on case # Z-98-123. And as the material that I submitted to you indicates, and I believe you received a memorandum explaining the request as well as the copy of the notice of decision from that EPC hearing of October 1998 along with materials from the applicant concerning their views of this and as well as the accompanying materials from the DRB submittal. As you probably understand this case concerns two conditions of approval that the EPC made back in 1998, as I mentioned, on the site plan for building permit. At the present time the applicant, the successor, I believe to Tesch Development, is Hunt Uptown LLC, is taking that site plan for building permit along with the site plan for sub-division through the DRB final sign off procedure.

And the two conditions on the site plan for building permit reference a now defunct EPC site plan review committee and required that prior to DRB sign off that the EPC site plan review committee review these two conditions, specifically conditions 15 and 21, to determine whether additional information, as provided by the applicant, was satisfactory to satisfy the Planning Commission's concerns. This has to do with design guidelines, or particularly to restaurant buildings and then the provision of housing as required by the text amendment to the Uptown Plan that was finalized by City Council in the winter of 1999. So the request before you today is from our Staff, from the Planning Department, to review the relevant portions of the DRB submittal on the site plan for building permit to determine whether, in your minds, the intent and the specifics of these two conditions have been satisfied in the submittal to the DRB. The DRB's action on these matters cannot be finalized until the Planning Commission, acting as the site review committee, determines that these two conditions have been satisfied.

So what I'm asking you to do today is to review the relevant portions of that DRB submittal on the site plan for building permit as it relates to conditions 15 & 21, and determine whether in your view that these conditions have been adequately been satisfied. And if so, direct Staff to proceed with the DRB action on this as it relates to these two conditions. I should also let you know a couple of other things. There's a memorandum in your packet that includes a review of these conditions, of all the Planning Commission's conditions related to the site plan for sub-division and building permit. Not all of those conditions have yet been satisfied, or I have not reviewed all the specifics to determine if everything else has been satisfied. The review is ongoing and I'm going to be talking to the Zoning Enforcement Office. So even though, for example, if you suggested or directed today that these two conditions have been satisfied, I'm not ready to authorize final sign off on the DRB submittals as yet. Another matter that you ought to be aware of and I believe Mr. Suffling can speak to this, and I believe you have materials in your packet of information relating to this, is

an appeal that has been filed by the Rodey Law Firm on behalf of Prudential Winrock related to the DRB action on the site plan for sub-division and site plan for building permit. I don't believe... but I'll let Mr. Suffling address this, that the appeal action should preclude your direction to our Staff today regarding these two conditions. DRB cannot proceed with the final sign-off, which requires 5 signatures, one from each DRB member. DRB cannot make that sign-off and the action cannot be complete until these two conditions, amongst others, are satisfied. The way that DRB operates is that once two signatures are achieved on a site development plan, the plan is essentially delegated off of the agenda and the individual members sign-off on the plan individually sometime following the hearing at the DRB, once their concerns have been satisfied. So, in any case, perhaps you would like to hear from Mr. Suffling regarding the appeal issue and if you don't care to hear from him on that I would just suggest you proceed with your review of these matters and give Staff the direction we need to move ahead with this.

CHAIRMAN SCHWARTZ: OK. I have a couple of questions for you. The condition references restaurant singular, those two restaurant pads, were there always two restaurant pads?

BOB PAULSEN: Mr. Chairman, yes and I believe there are a couple of typos in the conditions as written. I think that should have said, restaurants plural in that instance. And also, in that same sentence the sentence reads in condition #15, "The restaurant shall be architecturally integrated into the overall site architecture period." I think the word "*period*" and as many of you may remember Commissioner Heiser, he would say *period* at the end of every sentence. I don't think he was talking about *period* architecture, I think he was saying there should be a *period* inserted there.

CHAIRMAN SCHWARTZ: Is he here today? He said he might be.

BOB PAULSEN: We may wish him to testify in this matter.

CHAIRMAN SCHWARTZ: It was a little confusing that we had a set of plans that stated 2002. So the reason for this in the first place was that there are no elevations for the restaurant and there still no elevations to the restaurant.

BOB PAULSEN: Mr. Chairman that's correct. When this submittal came in there were no elevations for the restaurant or restaurants and the Planning Commission indicated through it's conditions that such elevations weren't needed but design standards could be provided in lieu of such elevations.

CHAIRMAN SCHWARTZ: So these design standards that are not sheet 17, those were not in the packet when it was originally reviewed by the EPC?

BOB PAULSEN: Mr. Chairman that's correct. My understanding is that.

CHAIRMAN SCHWARTZ: So what we would be saying is essentially is that any one of these 10 architectural styles or themes here that are called out are defacto integrated with any of the others, subject to the choice of the developers to which one they fit?

BOB PAULSEN: Mr. Chairman that's my understanding of the themes as presented.

CHAIRMAN SCHWARTZ: Well, I don't what the other buildings look like because we don't have the whole packet here and I don't know how varied those styles are. Are there any other questions for Mr. Paulsen right now? Commissioner Serrano.

COMMISSIONER SERRANO: Yes, Mr. Paulsen there was a letter submitted to us dated November 26, 2002 from Michelle Henrie and I guess my question is that she made a statement that the Uptown Sector Plan became void on October 15, 2000 because no building permits were ever obtained for any of these structures shown on these plans. If that's correct, and I guess my question is, have you resolved that issue and are they valid or are they not valid and are we only listening to the two conditions or what's the status?

BOB PAULSEN: Mr. Chairman, Commissioner Serrano, I would like Mr. Suffling speak to this issue.

CHAIRMAN SCHWARTZ: Thank you Mr. Paulsen. Mr. Suffling.

DAVID SUFFLING: Mr. Chairman, I went back and looked at the date the Planning Commission approved the site plan and the Uptown Sector Plan Amendments and I guess the site plan is contingent on the Uptown Sector Plan Amendments. And the Sector Plan says you have to get your building permit 2 years from the approval. Well, there's been a controversy about what the approval was. Is the approval when the Planning Commission makes a decision or is the approval when the DRB makes a decision? And my opinion is that the approval is when the Planning Commission approves the site plan. The problem here is that after the Planning Commission approved the site plan and the 99 Uptown Sector Plan Amendments that went to the City Council and then there was a lawsuit, several lawsuits filed within I guess 30 days of the City Council approval. My legal opinion is that they couldn't get building permits or it wouldn't make any sense for them to go and get building permits, because those building permits expire, I think in 6 months or a year, while litigation was going on. It doesn't make sense to go get a building permit and start spending money when you're in court over the site plan and the sector plan.

So even though the District Court didn't enter an injunction stopping the applicant from going forward, it's sort of the nature of a defacto injunction because it doesn't make sense to get building permits and start construction when the whole thing may come undone because of the lawsuits. Those lawsuits were completed in the District Court

in the Fall of 2000 and there was an attempt to go to the Court of Appeals and the Court of Appeals declined to hear the case of January, let's back up, the District Court decision was over in the Fall of 1999, the Court of Appeals decision was in January of 2000. So in my mind the two-year period was tolled because of the litigation. You may want to hear from both of the parties on that question. But that's my advise to the Planning Commission.

CHAIRMAN SCHWARTZ: Do you know what the date it was that the building permit was applied for?

DAVID SUFFLING: I don't know that they've yet to apply, because they had to go to the DRB before they could get the building permit.

CHAIRMAN SCHWARTZ: I understand your argument about the tolling. But the date before the tolling, the appeal period does that figure into when the decision becomes final?

DAVID SUFFLING: Yes it does. Let's say that the Planning Commission's decision was October 15th, I don't know if there's a 15-day and I think you have you add that on I think. But I don't think that's going to make any difference in the overall two-year period here.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Mr. Suffling, what about the appeal that's been filed? Is that a valid appeal?

DAVID SUFFLING: I haven't seen that appeal. Kevin Curran is the DRB lawyer and he told me about the appeal and I got it at noon today but I haven't had a chance to look at it. I started reading it but I haven't finished. I believe the appellant acknowledges that that appeal might be pre-mature because there was not a final DRB sign-off. However, it appears to me that these two conditions that are on your agenda today have never been in front of the DRB. So these two conditions are not the subject of that appeal, so I think you can hear these conditions.

CHAIRMAN SCHWARTZ: OK. You recall several months ago we were talking about appeals and the rules about appeals prescribing further action and I think at that time you said once an item leaves the City jurisdiction in other words an appeal to court is not relevant for that ruling. But what you're saying is that this appeal is not based on the subject matter that is before us right now?

DAVID SUFFLING: That's right Mr. Chairman. I think my advice back then was that you could hear that case even though there was a court action because it wasn't subject to the court action. My advice in that case has been vindicated because the

District Court agreed with my interpretation, although it's now going to the Court of Appeals.

CHAIRMAN SCHWARTZ: Any other questions for Mr. Suffling?

COMMISSIONER OWENS: So, should we first make a determination as to the two years, whether or not the two years was valid or extended because of the court proceedings? Should that be our first determination?

DAVID SUFFLING: I'm not clear that that's been raised. If that's an issue that's been raised then I suppose you should make that determination but if no one's raising it, I'd ignore it.

COMMISSIONER OWENS: OK.

CHAIRMAN SCHWARTZ: Applicant. I'm sorry, Commissioner Johnson.

COMMISSIONER JOHNSON: I'm sorry; I have a question for Mr. Paulsen. Mr. Paulsen is the site plan for which these two conditions are outstanding, what's going to happen next to it? I mean is it going to get built? Is the project going to be built?

BOB PAULSEN: Mr. Chairman, Commissioner Johnson I can't answer that. My presumption is that the applicant is pursuing approval to then seek a building permit and begin construction, but there's nothing binding them to do that. Our section of the Planning Department is assigned to just work through the DRB process. Since this went to the Planning Commission following DRB approval, our involvement eventually becomes little if any. So you know, we see them when they're built and we don't see them when they're not. So we have no way of knowing if it will be built. Our presumption is that when something goes to the DRB for final sign-off the developer is seeking to pursue development.

COMMISSIONER JOHNSON: Does it look to you like the proposal that is being made for this site on the other items?

BOB PAULSEN: Mr. Chairman, Commissioner Johnson I'm not sure I know what you mean.

COMMISSIONER JOHNSON: I mean, is what we're seeing here the same thing that is being proposed for the site?

BOB PAULSEN: To the north?

COMMISSIONER JOHNSON: Oh, this has been withdrawn. OK.

BOB PAULSEN: Mr. Chairman, Commissioner Johnson....

COMMISSIONER JOHNSON: This seems academic to me this is why I'm probing.

BOB PAULSEN: Let me make sure that your understanding that the site that's under consideration at the moment is the Spectrum II site south of Indian School. It once was part of the ABQ Uptown request. And in fact I think your site plan materials reflect that, for that particular application. By way of letter, recently, the applicant (Hunt) has removed the Spectrum Two project site, the Monroe site, from that request. We required that of them before we would proceed with reviewing this particular project.

COMMISSIONER JOHNSON: Because it was in this limbo?

BOB PAULSEN: Because there were two proposals being forwarded to the City of Albuquerque at different boards concerning the same piece of property. And we said that we would not consider that arrangement and they resolved that, the duplication I suppose you could call it by withdrawing this site, the Monroe site, from the larger ABQ Uptown Site.

COMMISSIONER JOHNSON: But we don't know if this is what's being proposed to be built, we're just finishing off, we're dotting the I's and crossing the T's on something that happened sometime back. Is that our mission?

BOB PAULSEN: Mr. Chairman, Commissioner Johnson, when the EPC approves a site development plan, like in this instance, before development can occur the site development plan must go to the DRB to insure among other things that the EPC conditions have been satisfied as per their submitted drawings. The applicant is in that process. Upon completing that process they get a signature, five signatures from the DRB, saying you've done that and you may proceed to the next step. My understanding is that is what the applicant is doing and in terms of their intentions beyond that, you'd have to speak to the applicant about it.

CHAIRMAN SCHWARTZ: Thank you Mr. Paulsen. Mr. Suffling.

DAVID SUFFLING: Mr. Chairman, I want to make a correction. When I mentioned that the litigation over the site plan and sector plan was concluded in January 2000, it was January 2001.

CHAIRMAN SCHWARTZ: OK. Applicant and anyone else who is signed up to speak on this agenda item, do you swear to tell the truth under penalty and perjury?

CHRIS GUNNING: Yes sir.

CHAIRMAN SCHWARTZ: Thank you very much. I guess this would be an appropriate time to state that this is a public hearing and not an appeal with the commencer time allotments unless there is a compelling need for more time.

LAWRENCE KLINE: No sir. Did you say on appeal?

CHAIRMAN SCHWARTZ: No, I said this is not an appeal. We're not on the equal time rule here.

LAWRENCE KLINE: My name is Lawrence Kline, Vice-President of Herb Denish and Associated, PO Box 2001, 87103. We are presenting not Hunt Uptown but Hunt Uptown II, LLC, the successor in interest to Tesch Development in the ownership of the Parcel at the southeast corner of the Louisiana & Indian School intersection, known at the Monroe site. As Mr. Denish indicated, our purpose here today is to seek verification and compliance with two very narrow issues that were raised in the October 16, 1991 notice of decision from the EPC on the so called Uptown Spectrum II Plan. Mr. Paulsen read one of those into the record. Do you wish to proceed on both of them together or one at a time?

CHAIRMAN SCHWARTZ: Whatever.

LAWRENCE KLINE: I'd just like to read the other one into the record. The other one was Condition 21. "Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit, in form of decks, terraces or patios and a maximum of one parking space per unit. The revised site plan shall be submitted to the EPC Site Plan Review Committee for final approval prior to DRB submittal". This is an issue, which has been raised. Why did we not apply to the EPC Site Plan Review Committee before applying to the DRB? I did want to clarify that we asked the question. Before we applied to the DRB, we asked, who is the EPC Site Plan Review Committee, we were told that it did not exist anymore and that's why we're here before you today. I don't want anybody to think that we tried to side step this Commission by going to the DRB first. We really tried to follow the rule as written. I have with me, Mr. Chris Gunning who is the architect who put together through the guidelines and addressed the issues related to the housing. But if I may Mr. Chairman, I'd like to address Commissioner Johnson's question.

We're here for the absolute purpose of pursuing diligently to completion, the Uptown Spectrum II Plan as approve by the Planning Commission in 1991. I want to emphasize that our client, Mr. *Sapp* has been diligent in that pursuant. Tesch did not give up the property, in fact until September of last year. And in November of last year ABS held an auction. Mr. Sapp was the successful bidder because it's a public school property it had to go to the Board of Finance, it took several months for the deal to actually be closed, and I believe that was on April the 4th of this year. And about the time that we were seriously embroiled in figuring out what ABQ Uptown was, we thought for a long time about doing the north side of Indian School and the south side

of Indian School as one big piece. And in fact we applied for a Site Plan for Sub-division as though it was one big piece. We then in rethinking it said, we can do the Spectrum; it's a good project. It received a lot of public review and we can live with that. But one of the things that Staff asked us to do was to withdraw the Monroe site from the Site Plan for Sub-division. We have never submitted a Site Plan for Building Permit, other than the one that was before this Commission in 1991 and the one, which was before the DRB on November 13 and November 20th. And absolutely we're here to get it done and to build it. So with that, I'd like introduce Mr. Gunning to actually talk about how he responded to the two conditions unless you have questions for me at this time.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Mr. Kline is the site plan that was submitted to the DRB for approval the one on the 13th and the 20th, the one that we have that is dated November 5th.

LAWRENCE KLINE: That would be the one, yes.

COMMISSIONER JESIONOWSKI: The site plan that DRB saw?

LAWRENCE KLINE: Yes sir.

COMMISSIONER JESIONOWSKI: Thank you.

LAWRENCE KLINE: There are a couple of things. One thing we were told by the Planning Director, by everyone on the staff, "you will turn into the DRB exactly what the EPC saw in 1991". There are things that have changed. One thing is that the City made the loop road 96 feet wide instead of the 86 feet required by the Sector Plan in 1995. So the plan that the DRB saw has a 96-foot loop road in it and not an 86-foot. We also changed the name. There was confusion at the DRB about what its name was because in the Spectrum Plan it's called America's Parkway. But all the other segments, or most of the other segments are called the Uptown Loop Road, so we changed the name from what the EPC saw in 1991. There are bus (inaudible) that the City asked for, now that they hadn't asked for then. So in those simple respects, it's not exactly what you saw in 1991 but it is exactly what you required us to bring to the DRB, with those 21 Conditions.

CHAIRMAN SCHWARTZ: Thank you.

LAWRENCE KLINE: Thank you. Mr. Gunning.

CHRIS GUNNING: Good morning. Mr. Chairman members of the Commission, my name is Chris Gunning, I'm an architect with Dekker, Perich, Sabitini here in Albuquerque at 6801 Jefferson NE. Mr. Tony Lloyd asked me to mention that the 98

feet, instead of the 96 feet. Anyway, I'll let them clear that up. My purpose here today is to describe to you what these design guidelines are intended to do and to address the first condition. We wrote the design guideline is not to just address the (inaudible) put also to address all the buildings on site, and we feel this is the best way to integrate the entire site, through the use these design guidelines. We would also like to say that this corner is the front door of this overall development and it's in our best interest as much as it is yours. It would be acceptable, high quality, a beautiful place to attract the most people we can to the project. The unifying concept behind the design guidelines is to utilize New Mexico's regional architecture of themes as unifying elements. The themes listed in the guidelines comes from the many influences of New Mexico's unique cultural. From Anasazi to Pueblo, Spanish to American and Route 66 to the National Labs influence.

Each building is to be designed based on one of the list of architectural themes. I think that question came up earlier. The idea is not to mix these together but to keep them pure, so that the buildings are in a conglomeration of things, but are good examples of well designed buildings, based on our architectural heritage. The idea behind this is to get an evolved feel for the project rather than one of homogeneity. We want to create unique outdoor urban faces that are easily identifiable from one another, so that when people are passing through the site, they recognize a specific plaza by the buildings that surround it. The guidelines require the use of high quality, long lasting materials and architectural treatment on all sides of the buildings. Articulated building entries, shaded outdoor dining plaza and careful screening of utility spaces and equipment. We feel like these elements further enhance the feeling of quality in both architecture of the project and the public spaces between them.

I'll now address Condition 21, which applies to the open space and partner requirements for the housing. We've actually shown two alternate locations for the housing within the package. One of them is on top of one of the parking structures and the other is the top two floor of the hotel building. Our preferred scheme here is the hotel building rather than the parking garage primarily because of the quality of life style associated with the corsairs and other luxury amenities in a hotel. The views from on top of the tower are going to be great and all those amenities I mentioned are critical with the success of that housing. One other important point about the hotel location for this housing, well in addition the fact that it does meet the 80 square feet of open space requirement, which it does. We've also provided some open space in the form of a roof plaza and the fact that this space was already part of the project, essentially two floors of the hotel was already included in the overall (inaudible) project by exchanging those hotel rooms for housing units, we've left the total square footage for the project the same. And also the parking requirement for the hotel rooms is one space per room as it would be one space per unit for the housing. And at this point I'll open it up for questions.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Mr. Gunning for the record, how many housing units do you have on the project?

CHRIS GUNNING: Mr. Chairman, Commissioner Jesionowski 24 units at about 850 square feet a piece.

COMMISSIONER JESIONOWSKI: So 24 units and 80 square feet which would make it about a 1600 square foot opening requirement?

CHRIS GUNNING: Yes, about.

COMMISSIONER JESIONOWSKI: Let's just run it. 24 plus 80, that's 1760 square feet. For the record, how many square feet of open space do you have in the project?

CHRIS GUNNING: On the balconies it's that exact number. It's the minimum amount, 80 square feet per unit, 24 units which is that number you said, I think. In addition to that we also have these roof plazas which on the preferred hotel scheme about 4000 square feet on the side, so about 8000 square feet of open space on those shared plazas.

COMMISSIONER JESIONOWSKI: So you've exceeded the open space requirement as outlined in Condition 21?

CHRIS GUNNING: Yes sir.

COMMISSIONER JESIONOWSKI: Thank you.

CHRIS GUNNING: Mr. Chairman, it's also been pointed out that the actual requirement is 19 units based on the amount of retail space over, so we've actually exceeded that by an extra 5 units.

COMMISSIONER JESIONOWSKI: Thank you.

CHAIRMAN SCHWARTZ: Commissioner Briscoe.

COMMISSIONER BRISCOE: Thank you. Chris, I'm a little unclear on the design standards, I guess. What we have in the packet to take a look at become familiar with this project or re-familiarize, if that's the right word. I'm trying to relate this into any of these 10. Can you expand on that just a little bit?

CHRIS GUNNING: I can.

COMMISSIONER BRISCOE: If the units, all the various activities on this site are as you said earlier, that they are related, that they have some commonality. I'm a little lost here.

CHRIS GUNNING: Mr. Chairman, Commissioner Briscoe that specific example I think you're pointing to is the hotel elevations that have been included in the packet. First let me say that the examples of the different architectural styles listed in the design guidelines are although they are in writing, they are not really meant to be a literal fine (inaudible) list. What we're trying to do is list some of the influences on the architecture of New Mexico over the last 300-400 years. You know, some of those may be appropriate for the site, some not. I'm certainly not expecting to use every one of them. As far as how the hotel relates to any one of those, probably the closest thing would be the kind of the architecture of the Santa Fe Railroad era. The hotel we were thinking actually of some of the railroad hotels that were built in the smaller towns around New Mexico. Brick and limestone trim, kind of an art deco influence that was built shortly after the turn of the century. So that's kind of where the hotel scheme came from.

COMMISSIONER BRISCOE: We're being asked to review a statement that says, "the restaurants will be designed to meet some standards". The standards are 10; yes they're all architectural styles of New Mexico, a real variety of options. And maybe that's what you wanted, is to be left open to design. It's hard for me to imagine any building that does not fit somewhere in to these. What are we really being asked to review?

CHRIS GUNNING: That's true. I mean, Mr. Chairman, excuse me. The idea really wasn't to leave it wide open though. We were really trying to narrow down to some of the themes of New Mexico. If you want us to narrow it down more, we would be happy to do that. But our intent is to make the highest quality, best looking development here. It's not to shortcut anything. We're wanting to attract people by the beauty of architecture. I think our goals are the same as yours.

COMMISSIONER BRISCOE: Thank you.

CHAIRMAN SCHWARTZ: Any questions? I mean in looking at the book of the item that we're not going to hear today that and I know you might want to change this when it comes back. This doesn't include Route 66 deco over here. And the wording sometimes……

CHRIS GUNNING: Mr. Chairman that was kind of a late idea, that came after. We did this after we did that book.

CHAIRMAN SCHWARTZ: No, although this one does have the sketches. And this page doesn't have the sketches. Okay. Mr. Kline.

LAWRENCE KLINE: Mr. Chairman, thank you. I've worked with a lot of architects and if I had to pick one who's really, really good is Chris Gunning. I suspect that if this Commission were inclined to say, "Mr. Gunning, turn it from 10 thousand to 5 and do it right now", that we would be able to do that, if that's your pleasure. I do need to officially correct one thing. I kept to referring to an October 1991 case, it was October of 1998, so anywhere the record shows October 1991, please forgive me. I have no further comments. It is possible that others may raise issues outside of the 2 specific issues of verification of compliance that we would like to reserve the right to respond to those. And then at the end if I may, Mr. Kelly has a very tiny procedure point that he needs to discuss.

CHAIRMAN SCHWARTZ: Okay. Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. You know Mr. Kline I'm just sitting here trying to read this and understand what our task is, okay. And in order for us to make a determination on Item #15, I would think that we would need to see the architecture on some of these retail buildings as they're outlined in the site plan. I'm looking at the elevations of the hotel; however, I don't have elevations on the other retail buildings and the theaters. So for me to determine whether or not these architectural guidelines integrate into the rest of the site, I would need to see elevations on the rest of those buildings. So where's that at?

LAWRENCE KLINE: Let me respond this way Mr. Chairman, and in fact I have to say something. We are actually not the applicant in this case. Tesch brought this matter to the EPC in 1998; we inherited it in the year of 2002. We saw that these clarifications were necessary so the applicant here today is actually the Staff. And they have instructed us to keep it narrow on those two points.

COMMISSIONER JESIONOWSKI: Are we to interrupt that the architecture from the retail buildings and all of the buildings would follow the same theme, if you pick out the restaurants or something to be one of these 10 different themes that the architecture of the other buildings are going to follow the same architectural theme?

LAWRENCE KLINE: Mr. Chairman, if I may, I know I'm tromping on the architects prerogatives a little bit, we've been heading towards a little bit of an art deco. But we've always believed that a contrast of styles was just as valid as totally, you know integrated styles. So right now are retail buildings and the parking garages are left as they were shown in the Uptown Spectrum approval of 1998. Two of the buildings that we have, shall we say, "hot market interest on"; we've redesigned to be a contrasting but a very beautiful style. I can't tell you who these restaurant clients are going to be. They may want to go towards high tech; they may want to go towards art deco. They may want Route 66 and a lot of neon.

COMMISSIONER JESIONOWSKI: What I'm more concerned about is the retail buildings and how the retail buildings are going to look. So I'd like Mr. Gunning to address that.

CHRIS GUNNING: Mr. Chairman, Commissioner Jesionowski the retail buildings themselves or designed in the 98' submittal with kind of a pre-cast appearance, they have not changed since that submittal. We left them as they are. Most of those buildings are going to be influenced primarily by the tenants that occupy them which are undetermined at this point. So, our intention is to really leave those as they were submitted in the 1998 submittal.

COMMISSIONER JESIONOWSKI: We don't have copies of that 1998 submittal. So, I'm just pointing that out.

CHAIRMAN SCHWARTZ: I agree. Any other questions for the applicant? Mr. Paulsen.

BOB PAULSEN: Mr. Chairman as Mr. Denish, I mean, Mr. Kline and Mr. Gunning have indicated, the elevations of the other buildings that were part of the submittal have not been included in your packet and perhaps that was an oversight. I certainly have the DRB submittal in total here with me. I guess in speaking with the applicant and thinking about this, we had wanted the Planning Commission to just look at these two conditions. I guess, I hadn't thought so much about what these design; I thought the design guidelines might deal more specifically with the restaurant rather than the entire site. So I understand Commissioner Jesionowski's concerns as I hear them regarding what does the rest of the site look like, what do those other elevations look like. If you'd like to pause, I have the plans that can show you that. So, I guess I'll just leave it at that.

COMMISSIONER JESIONOWSKI: If you start with Commissioner McMahan and just pass them around so we can continue this hearing but still be able to say that we looked at those elevations.

CHAIRMAN SCHWARTZ: Commissioner Johnson.

COMMISSIONER JOHNSON: Just one quick question for clarification and yeah, Mr. Kline I think you can answer it. What we're going to see here does it or does it not get into any of these styles?

LAWRENCE KLINE: If I may Mr. Chairman, Madame Commissioner I'd leave that to Mr. Gunning.

COMMISSIONER JOHNSON: Okay, well I'll ask Mr. Gunning.

CHRIS GUNNING: Mr. Chairman, Commissioner Johnson, if I were to say which one of the kind of classification they fit into, it probably would be kind of the Route 66 neon

stream line kind of (inaudible) that you might see along Central Avenue. So you can look at.....

COMMISSIONER JOHNSON: And the hotel was the????

CHAIRMAN SCHWARTZ: The Santa Fe Railroad.

COMMISSIONER JOHNSON: Thank you.

CHAIRMAN SCHWARTZ: Do we have anyone signed up to speak?
LAWRENCE KLINE: A point of clarification.

CHAIRMAN SCHWARTZ: Yes sir.

LAWRENCE KLINE: We're all sworn in, but we don't have to sign up in order to speak to you Mr. Chairman?

CHAIRMAN SCHWARTZ: Not as part of the presenter, no.

BOB PAULSEN: Mr. Chairman we have one individual signed in to speak. Michelle Henry with the Rodey Law Firm.

CHAIRMAN SCHWARTZ: Good afternoon Ms. Henry.

MICHELLE HENRY: Good afternoon Mr. Chairman.

CHAIRMAN SCHWARTZ: What side do you require for your remarks?

MICHELLE HENRY: I have some brief comments, if you'd like to talk about.....

CHAIRMAN SCHWARTZ: I've read your letter and we've all read the letter so there's no need for you to.....

MICHELLE HENRY: I will not repeat what's in the letter. If you want to talk about the appeal or the jurisdiction, I can talk about those issues. We do take the position that this site plan has expired and David Suffling, my understanding of what happened in 1998 is that in October, 1998 the site plan for sub-division, the site plan for building permit were both approved by this body and then a recommendation for the Sector Plan Amendment was also approved. And that amendment was the one that converted the amount of retail from 10% to 20% within the inner core and it also added a housing component that gets triggered with the extra retail and it adds on the 10% housing that we are dealing with now. So, back in 1998, just let me point out, housing was a very important thing to the EPC, and some of you I believe were on that body then. In 1999 the 2 approvals by the EPC were appealed. One was

appealed by a neighbor and property owner, the other was appealed by some the neighborhood associations.

My understanding is that after the sector plan amendment was passed or approved by City Council, both of those pending appeals were withdrawn, which means that there would have been no appeals to court. Now that's based on my research and David I'm going to leave totally open that I could be really missing a whole line of cases out there. But my understanding when I filed the appeal is that as of February 1999 the matter was final. This site plan was approved and there were two years from that point and time in which there needed to be the DRB final sign off and the building permits issues and construction actually begun. So, we are taking the position that we believe that is no site plan that is right before this body, before DRB, before any body because that site plan has approved. And that comes straight out of the sector plan, as you know. And the language is, "the portions of site development plan showing structures, that have not obtained building permits within 2 years, the site plan approval shall be void, but may be re-approved following standard procedure". It's not void able, it's void, they're gone, they're expired. And that's what we are relying on for our appeal. The other issue for us is the notice issue and I want to bring this up because it goes to the question of jurisdiction again and whether these issues should even be brought up. The notice issue is basically, right in the Zoning Code, and it's not something that can be waived, it's not something that can be overridden, it's something that is within the Zoning Code. What it says is that if there is a change in a site plan, that increases the amount of floor space by more than 2%, the Planning Director needs to mail notice to adjacent property owners and to the neighborhood associations. And that was not done by DRB. It was not done. So those are the two real important points of the appeal. Going to the issues that you're looking at, let me tell you how I understand those issues. I understand first the restaurant issue, I understood similar to how Commissioner Jesionowski understands it. The question is, is there going to be a Denny's plopped down in the middle of this, or are we talking about buildings that are integrated in with the other buildings, in the spectrum development. That's the question for the restaurant, and I don't know if we can answer that question based on the site plans that are being passed around. The other question on housing, now I remember housing was terribly important to the EPC in 1998. This project is the reason the sector plan was changed to include the housing component and it was changed at the initiative of this body, not at the applicant's request. So the housing is very important.

As I understand Condition #21, it's meant, it does allow this body to re-review the site plan, the entire site plan, is how I understand that, not just select portions of those site plans. It says site plan, and the whole bunch of the site plan, the site plan for building permit, I think are on the table for this body to consider whether the housing component has been successfully integrated into the Uptown Spectrum Two project and I'm not convinced that it is for the following reasons. First of all, we don't know where it's going to go. We don't know whether it's going to on top of parking garage #2, and if it is as you look at the elevations, it doesn't show on one of the pages. It

was just kind of added on as an extra thought. Let's maybe put the housing here. The other possibility is that it's going to go on top of the hotel, we don't know. And so I ask you, if you are approving this today, what are you approving because we really don't know. We kind of have an idea that housing is going to fit in here somewhere, but we really don't know where. Housing is a very important thing. It's the reason why the Sector Plan was changed. We think that if this body approves this Condition #21, it should do so and require that the housing be constructed concurrent with or along with the other development, particular, preferable in Phase I. As soon as the parking garage goes up, as soon as the retail goes up the housing needs to be there to make it successfully integrated into the project. It should not be an afterthought. So that's all I had prepared to say. Mr. Chairman, I'm here for questions if anybody has any.
CHAIRMAN SCHWARTZ: Any questions for Ms. Henry? Commissioner McMahan.

COMMISSIONER MCMAHAN: Mr. Chairman, thank you. Ms. Henry I don't really understand you're insistence on the concurrency of the housing component.

MICHELLE HENRY: Mr. Chairman, Commissioner McMahan, we understood that what the EPC was getting at in 1998, is that the housing is mitigating sort of impact in this development. It was talked about in terms of air quality, things like that. The housing integration was presumed to help ameliorate some of the negative effects of this project. If the project goes up, housing comes along 5 years down the line, and I'm making that up, I have no idea when it would come along. But the concern is that those adverse affects are going to be already happening; they're going to be along the way before the mitigating impact comes in. It should be hand and hand. That's one concern. The other concern is that we understand, what the sector plan amendment did is two things, and we take them to the hand in hand thing. One is the increase in retail and coming hand in hand with the increasing residential, what it does, is it allows the increased retail to be more viable. We all know there's a lot of retail in the area and what that does is that it helps to integrate the demand with the extra retail that would be coming in. And we understand that to be why the extra retail triggered the housing component. So that's why we believe they should be concurrent.

COMMISSIONER MCMAHAN: So if I understand you right, you think the concurrency will help immolate some of the air quality concerns, number 1 and help the retail to get more, I guess to get profitable sooner, right and then third to help the neighborhood in it's concern about the housing that's available there. Those are the three issues that you really want the concurrency for.

MICHELLE HENRY: I think that's correct Commissioner McMahan. I would say the, I understand the air quality issue too has been an issue from this body back in 1998. I just get that from reading the minutes, I wasn't actually here. So I'm picking up on that concern as a reason why that Condition was placed there. Our concern from the Winrock perspective does include the sustainability of retail within the area generally. So that's maybe not a concern that came out of this body but it was given the hand and hand nature of the sector plan amendments. I do suspect that it might

have been a concern for at least some people on this board, but I don't know to be honest. And the neighborhood impacts are something that we should consider, but it's not something that I directly brought up in my presentation. Thank you.

COMMISSIONER MCMAHAN: Thank you. Thank you Mr. Chairman.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Ms. Henry, help me out please. I'm looking at the site plan here and it appears to me that the housing component is above or on the top floor of parking garage #2.
MICHELLE HENRY: Yes.

COMMISSIONER JESIONOWSKI: You indicated that you're not sure where the housing component is to be located so help me understand your comment.

MICHELLE HENRY: I'm basing that on two things. One was a comment in the letter that the applicant submitted when they first submitted this request, it responds to each of the Conditions. And it does say, "well the housing could be here, or it might be here". And then earlier in the presentation today I also heard that the housing could go here, or it could go there. But I was referring to the elevations is sheet #10 and in some of the elevation sheets it does incorporate the housing, not all of them do. Sheet #10 for example, shows parking garage #2, I estimate that the housing unit would be right there on this end of it, but it doesn't show. But my concern is just that it has been a little bit integrated but I'm not sure how seriously or how fully it's been integrated.

COMMISSIONER JESIONOWSKI: I'd like to point out to you that I'm looking at sheet #1, #5, #9, #14 and #16. So I don't have sheet #10. However.....oh, you're talking about the 98 components.

MICHELLE HENRY: Well actually mine is dated 11-5-2002.

COMMISSIONER JESIONOWSKI: So you have the full set of plans there. And we're looking at an abridge set of plans, however, in this set of plans that I'm looking at, it clearly shows the housing component on above parking garage #2, so you're indicating that we may not know what we are approving, I think it's clear to me what I'm approving, or what we are being requested to approve and where the housing component will be, above parking garage #2. And I just want the record to state that clearly.

MICHELLE HENRY: Okay, then I stand corrected. The approval would be for housing on top of parking garage #2 and not on the hotel. Okay.

CHAIRMAN SCHWARTZ: Commissioner Briscoe.

COMMISSIONER BRISCOE: Thank you. If I may, look at sheet #14. Sheet #14 shows some housing on the top of parking garage #2 but it's been noticed very carefully that it's labeled alternate in housing location. That same wording is used at the top of the page for the top two floors of the hotel. So, it is an either, or. I believe.

COMMISSIONER JESIONOWSKI: Okay, that's a good point. That's why we're here.

CHAIRMAN SCHWARTZ: Any other questions? Ms. Henry?

MICHELLE HENRY: No.

CHAIRMAN SCHWARTZ: Thank you very much. Anyone else signed up to speak?

FRAN TAPIA: No.

CHAIRMAN SCHWARTZ: Okay. Mr. Kline.

LAWRENCE KLINE: In just looking at sheet #10, I just wanted to make sure, one elevation of parking garage #2 that does not show the housing. As I mention before, Mr. Chairman we thought other issues outside the narrow meaning of those two Conditions were going to be raised, Mr. Myers would like to address them.

JOHN MYERS: Good evening Mr. Chairman, Commissioners my name is John Myers, and I'm here on behalf of Hunt Building Two LLC, the owner of the what I call the Monroe site, probably finding fewer and fewer people know what I'm talking about. First, I would like to respond to a few of the things Ms. Henry raised and first the issue about the location of the housing units. There has been some confusion created. As Commissioner Briscoe points out, the plans presented to you, do show two alternative locations for the housing unit. Either on top of parking garage #2 or alternatively on the top floors of the high rise as I call it. We believe that the location of the housing units are more compatible with being located at the top of the high rise and we would really find acceptable and probably preferable to abandon the alternative and simply have the Commission focus on the units on top of the high rise and how we've incorporated the open space to accommodate the high rise residential units. So, I guess we would like to put that issue to rest and really eliminate the alternative on the parking garage. With respect to some of the sort of legal issues that have been raised, first going back to the issue of the two-year sunset clause, I call it, in the Uptown Plan. What the Uptown Plan says is that portions of site development plans showing structures that have not obtained building permits within 2 years of site plan approval shall be void.

I don't agree entirely with Mr. Suffling in that it's my belief that that clock starts to tick when we have a final site plan approval. There is no final site plan approval until the

EPC has acted on a site plan and then until that EPC plan is taken to the DRB and the DRB is satisfied and all conditions have been met and the DRB members put their signatures on the plan. At that point we have a site plan that has legal effect and that can be used to procure building permits. Until the DRB has signed off on that site plan, the site plan has no legal effect. And so we believe that that 2-year starts to run at the time the DRB gives final approval. I think that that interruption makes more sense, particularly when you consider a complex, a mixed used development such as we have here. Where we're talking about building it out in two years following approval. And I think you can appreciate that a project that has hotels and retail and housing units, it's going to be tough to get that done in two years. And it makes sense to say, let's not start that two year clock ticking until you have an approval that can lead you to getting a building permit.

Even beginning with the EPC Approval for that clock to start ticking, as David Suffling has pointed out to you, this EPC approval were held up in the court house for about 2 years and three months following EPC approval. And I'm a little surprised that Michelle didn't have all the facts down on that because it was the Rodey Law Firm representing Winrock who was a party to those appeals. And the appeals were finally resolved in January of 2001 by the New Mexico Court of Appeals declining to hear a further appeal into the Appellant Courts of New Mexico. So, it wasn't until January of 2001 that there was an opportunity to proceed and to stand here and say that Prudential filed an appeal of the site plan. They lost the appeal but that they defacto won the appeal because they kept it in the court house for two years, I think is a tough sell for any of us. With respect to the issue of Condition #21, Michelle suggests that what that condition does is invite the EPC to re-visit the entire site plan and we don't think that's what it says. Again, remember that this was a delegation to the Site Plan Review Committee and the Site Plan Review Committee was a three-person committee who reviewed, I think minor site plan amendments, did so without public notice, and not at a public hearing but it was sort of an informal review process. And what Condition #21 says, it talks about each housing unit having 80 square feet of open space adjacent to the units, and then it says, the revised site plan shall be submitted to the EPC Site Plan Review Committee for review. And you have to read those two sentences together and it seems pretty clear to me that what this was talking about is the Site Plan Review Committee looking to see how those 80 square feet of open space related to those housing units.

With respect to the pending appeal, I guess the Pru-Winrock has accepted the fact that they're appeal is pre-mature at this time and that is not before this body. And the final issue I'd like to comment on is the question of whether there was some failure of notification. In the letter that was addressed to the DRB, Pru-Winrock suggests that there was notice required because there was an expansion of the building area on the Monroe site. The section that is quoted in the letter is the section that comes out of the SU-1 zoning provisions of the Zoning Code and of course this property is not zoned SU-1, it is not regulated by the SU-1 regulations but it is zoned SU-3. So that section just has not applicability. Second that is the section that talks about

amendments to site plans and this, I think the staff would tell you that when the DRB signs off on an approved site plan, it's not amending a site plan, but it is giving initial approval to a site plan. And finally, if we are to eliminate the issue of adding those housing units onto the parking garage, we have no change in the square footage of what was seen by the EPC and seen by the DRB. So, I guess at last it seems hard to imagine that Pru-Winrock is aggrieved by the notification requirements where they have fully and actively participated in these proceedings. If you have any questions, I'd be please to try and answer them.

CHAIRMAN SCHWARTZ: Mr. Myers regarding the Condition #21, it seems to me that the intent of that Condition was to submit revised site plans showing that each housing unit shall have a minimum of 80 square feet of open space. The drawing in the packet is a drawing for the housing on top of the garage. There is not drawing that I find for the hotel, so by saying that, you know, the housing units are going to be on the hotel, then I don't find the drawing that shows that there's the 80 square feet of open space.

JOHN MYERS: I'll let Chris Gunning respond. I believe that the drawing shows balconies for the housing units as well as the open space located, the roof top open space.

CHRIS GUNNING: Mr. Chairman.

CHAIRMAN SCHWARTZ: Now we're going to get into the discussion about where the rooftop is adjacent, but if you're going to make that……

CHRIS GUNNING: It's really an excess of what the requirement is. The balconies themselves will fulfill their requirement; the rooftop is just extra.

CHAIRMAN SCHWARTZ: But what I'm saying is where is the diagram?

CHRIS GUNNING: In the original DRB submittal, if you were looking at that. The only reference to the housing on top of the hotel was a note that said, "alternate housing location". Since the DRB submittal in preparation for this hearing, we worked with the City Planning Department and developed that further, to show not only the note, but also how that housing might fit into the hotel elevations and showing the roof……

COMMISSIONER JESIONOWSKI: But can you pick up this housing component off of the parking garage as it's designed and stick it on top of the hotel building?

CHRIS GUNNING: No, they're really two different (inaudible). One is more of a garden style building where the other one is more of a luxury condominium. The hotel itself is more of a luxury condominium approach.

COMMISSIONER JESIONOWSKI: So we don't have a copy of the housing component on top of the parking garage?

CHRIS GUNNING: It should be on sheets, page 9.

COMMISSIONER JESIONOWSKI: I'm sorry, do we have the housing units on top of the hotel.

CHRIS GUNNING: It shows up in just an elevation form on pages 16 and 14. We don't have a floor plan for it. Essentially in both cases what we show is the roof plan of the units.
CHAIRMAN SCHWARTZ: Okay, I think we've determined that the (inaudible) level balconies are labeled as having 80 square feet. You just don't have a cross section the way that sheet 9 does for the garage top.

CHRIS GUNNING: I can see that.

CHAIRMAN SCHWARTZ: Any other questions? All right, Mr. Kline any other closing comments from you or members of your team?

LAWRENCE KLINE: Mr. Chairman I have none other than to invite Mr. Kelly to address the procedural matter unless you have some questions for me.

CHAIRMAN SCHWARTZ: Commissioner Serrano.

COMMISSIONER SERRANO: I have a question for Mr. Myers. I'm sorry I have this long list of dates that I was trying to run a chronology on here. Tell me again, Mr. Myers which one of these dates it is that you're saying that the two-year period begins, or is not yet?

JOHN MYERS: The appeals were, there were two appeals pending. There was an appeal of the Sector Development Plan Amendments and there was an appeal of the 1998 Monroe Site, Site Development Plans. Those two appeals that the issues in those two appeals were finally resolved on appeal on January 8 and January 10, 2001. So according to Mr. Suffling's advice that's when the two-year period started to run. According to my interpretation it hasn't begun yet.

COMMISSIONER SERRANO: That's right. I just want to make sure that I understood that.

CHARIMAN SCHWARTZ: Mr. Kline, or Mr. Kelly. Good afternoon sir.

JOHN KELLY: Good afternoon Chairman. My name is John Kelly, and I'm with the Modrall, Sperling Law Firm in Albuquerque and we are representing Hunt Uptown on these matters. When we were obtained about a month ago, we ran our conflicts check and in the course of that we came to understand that Commissioner Serrano worked and is employed by a client of our law firm, Bank of America. We don't review

that has a conflict of interest, in fact we think it isn't and we think we're being excessively cautious in even bringing it up here today. But before you go forward with votes on these matters, I wanted to disclose to you that we represent Hunt and that Commissioner Serrano is employed by Bank of America which is a client of our law firm and having said that, we're delighted to have the Commissioner participate in these decisions and we think it's entirely appropriate that she do so. But we wanted to disclose that fact to all of you before we went forward. Thank you Mr. Chairman.

CHAIRMAN SCHWARTZ: Thank you. Are there any questions of Mr. Kelly? Thank you Mr. Kelly. Mr. Kline.

LAWRENCE KLINE: Mr. Chairman, members of the Commission we came here today at the request of staff to acquire if we could, verification of compliance with two very narrow issues. And I believe we've answered every question that you've had related to those and would ask that you certify to the Staff that those two Conditions have been met. Thank you.

CHAIRMAN SCHWARTZ: Is there any Commission that would like Mr. Suffling to either further explain the concept of tolling, suspending of the time frame? Does everyone understand that? All right. I mean my view is that that's a question that ultimately cannot be answered within the City if people choose to pursue it. It's going to be a legal question and if someone wants to.....if it gets pursue by which either side, I think the Council could rule on it, but I don't think that's going to be an authoritative determination. Commissioner McMahan.

COMMISSIONER MCMAHAN: I think it's appropriate for us to take a position on that.

CHAIRMAN SCHWARTZ: Well I mean we're going to.....if we want to rule on it, it's the same thing. But it's just not going to be the final answer either way. You say you think it's appropriate or inappropriate.

COMMISSIONER MCMAHAN: Appropriate.

CHAIRMAN SCHWARTZ: Appropriate, okay. Commissioner Briscoe.

COMMISSIONER BRISCOE: Mr. Paulsen, there was some discussion about square footage increasing. I want your assurance that the square footage is not increased from the 1998 approval.

BOB PAULSEN: Mr. Chairman, Commissioner Briscoe if the applicant pursues the housing units as shown above garage #2, there would be corresponding increase in square footage in the project. If they chose the hotel alternative, my understanding is that there would be no increase in square footage. And if I could Mr. Chairman and Commissioner Briscoe, if the applicant were to chose and the Planning Commission

were to agree that the garage arrangement is the superior one and they felt that that's the direction the applicant should go in terms of providing the housing. It seems to me that saying to choose that arrangement and not allowing them to have the additional square footage would place them in a catch 22 situations. And so, I don't think if the applicant were to chose the garage, the parking garage arrangement that this would automatically constitute a so called amendment to the site plan.

This site plans, as Mr. Kline has indicated, or I believe Mr. Myers indicated is controlled by the Uptown Sector Development Plan not the SU-1 provisions. And I think it just makes common sense also, and the SU-3 provisions in the Uptown Plan don't have the same requirements for amendments and so forth. There are some provisions in that plan to specify how amendments are handled. And it provides some latitude to the Planning Director in approving such amendments. But I don't think this would constitute such an amendment and I think it would be unfair to place the applicant in that situation under the circumstances. But as I understand it, the applicant or the, they're not the applicant today, they're the applicant before the DRB, is indicating that they prefer the hotel arrangement for their housing unit requirement.

COMMISSIONER BRISCOE: One more time. If they choose the option on the garage; which increases the square footage, the total increased in square footage for this very large site is relatively and significant, is that right?

BOB PAULSEN: Mr. Chairman, Commissioner Briscoe I would characterize it as such and it's a required increase, it's mandated by the Planning Commission.

COMMISSIONER BRISCOE: Thank you.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Who decided what pages we get out of the 24 set plans that were submitted to DRB?

BOB PAULSEN: Mr. Chairman, Commissioner Jesionowski it was a combination of myself and the agent for Hunt. It was really a little bit unclear as to what pages you were going to get and we agreed in principal that the Planning Commission should get the pages that were relevant and applicable. We didn't review exactly together which sheets you would get and come to an agreement on that before you were distributed the sheets. In retrospect, it might have been better to give you the entire submittal. At the time it was my decision not to cloud this issue with a packet that consists of over 20 pages.

COMMISSIONER JESIONOWSKI: I would say either spend the money up front, to make copies or you can spend it on litigation, so I would much rather prefer seeing the whole packet. So in the future, especially with something this sufficient, give us everything so we can look at it. We'll make a determination.

BOB PAULSEN: I understand.

COMMISSIONER JESIONOWSKI: Thank you.

CHAIRMAN SCHWARTZ: Any other questions for Mr. Paulsen? Thank you Mr. Paulsen. Any questions from the Commissioners from anyone? Any reason not to close the floor? I will close the floor. Any discussion? Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. I think it's clear and I don't know how Commissioner Johnson and I, if we're going to agree on this or not today. But I think strictly interpreting item #15, that the applicant has submitted the design guidelines, granted it may not be in the form that we anticipated, however reading what the Condition was, I feel that that Condition is met. And I think as far as Condition #21 goes the same applies. Clearly it's any 80 square feet of open space to have a balcony, which meets the open space requirement and I feel that both Conditions are met, so I would be willing to make a motion, if there's not further discussion to that extend.

CHAIRMAN SCHWARTZ: I would say on the #15 that I would agree however that it may have been preferably on the Condition to say that elevations would be submitted, it doesn't say that. It doesn't require that elevations be submitted for the restaurant, it simply requires that design guidelines be submitted and that's what has been submitted is design guidelines. So it's a question of whether or not you want to accept the design guidelines or you have a good reason to reject them or not. Commissioner McMahan.

COMMISSIONER MCMAHAN: Thank you Mr. Chairman. I think this points out that when this body establishes a sub-committee, we probably ought to make sure that it stays in existence and finishes it's work before it sort of rides off into the sunset and nobody knows where it went because we did know that, then we've got this kind of situation where we are acting like that sub-committee. That may or may not be a problem. I certainly hope it's not. I think that the applicant's have gone ahead and have met the two Conditions and I'm prepared to vote with a motion that would approve that. But in the future I think we ought to make sure that if we have sub-committees going we better keep track of what they're doing and where they are. Thank you.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Mr. Chairman, I move that this Commission act to acknowledge that Conditions #15 and 21 as required on the October 15, 1998 those conditions have been met.

CHAIRMAN SCHWARTZ: Do we have a second or findings regarding the location of the housing?

COMMISSIONER JESIONOWSKI: The housing shall be located on the top of the hotel building.

COMMISSIONER BRISCOE: I'm not sure of that. I would prefer that the housing be built, and I'm not sure where it needs to be built, it needs to be built and in fact I don't know how to add it at today's formal proceedings, but I would like to see the housing as was expressed earlier be early in the project. I would like to see it built first, whichever one of these, if the hotel happens first and let the housing be there. If the parking garage is built first then let the housing be there. I think that's a very important aspect of this project and I don't see that we need to limit the location.

CHAIRMAN SCHWARTZ: I would just say that in my mind the housing on the hotel is an entirely different kind of housing product than virtually any other type of housing and in these kinds of situations that I've read about. I've not had the opportunity to actually live in that situation but you typically have access to wholesale services living up there. I mean, you own it but you have access to the room service and whatever you want to pay for. But beyond that, if you wanted to have a trigger, I'd say that the trigger is when the retail exceeds the threshold. So building the housing up front isn't at all related to what triggered the requirement for housing in the first place.

COMMISSIONER MCMAHAN: Mr. Chairman, Mr. Myers has testified that this is a 2-year project. I don't think whether it's built in the first six months or the last six months, I really think it's in the time frame. It's kind of irrelevant.

COMMISSIONER JESIONOWSKI: I would tend to agree and I would like to designate where the housing component is going to go only to answer Ms. Henry's concern as to, you know, do we know what we're approving? And yes, we know what we're approving, the housing on top of the hotel.

CHAIRMAN SCHWARTZ: Commissioner Johnson.

COMMISSIONER JOHNSON: I just wanted to say that I was part of the decision making in when we tied the housing to the retail and we simply tied it (inaudible) square footage that we didn't go any further than that and I don't see any need to go any further than that in terms of timing for a location today. The sense then was let's make sure they both show up, but that was as far as we met.

CHAIRMAN SCHWARTZ: Commissioner Chavez.

COMMISSIONER CHAVEZ: I would just like to make a comment with regards to the location of that housing. That I believe that that housing on that hotel would really

indeed be unique and it would be somewhat of a jewel on top of the city and be something that would be special and I would encourage that it be on the hotel.

CHAIRMAN SCHWARTZ: Commissioner Owens.

COMMISSIONER OWENS: Just a comment on the guidelines, because they're not....I think that technically Commissioner Jesionowski is right that the conditions have been satisfied because guidelines have been proposed. But we've seen how the hotel doesn't necessarily bend to the guidelines either. We kind of got a, "well take your pick, there's ten choices here, you got the pick of the hotel, which one do you want it to be". The guidelines could also say, every building should have a roof. And they'd have about the same effect. Even if they're written in a kind of a compulsory nature. The building shall be designed based on one of the listed styles, so you could design almost any building and call it whatever style you want and I don't think the guidelines have much teeth. But I think that you're correct that I think more work should have been done in 1998, but I think you're correct they've satisfied the two conditions from 1998.

COMMISSIONER JESIONOWSKI: I'd say we blame it on Robert McCabe since he's no longer here. Okay, I'll change my motion and remove the housing component from the roof. And that Conditions 15 and 21 have been met, period. Not to mean period but period.

CHAIRMAN SCHWARTZ: Do you agree with removing that?

COMMISSIONER MCMAHAN: I'm not sure what you just removed.

CHAIRMAN SCHWARTZ: That was a finding, that wasn't a motion. Do you want to strike that finding?

COMMISSIONER JESIONOWSKI: Strike the finding.

COMMISSIONER MCMAHAN: You want to strike the housing from the hotel?

COMMISSIONER JESIONOWSKI: Right.

COMMISSIONER MCMAHAN: I'm not sure I agree with that...(inaudible) (mic was not on)

COMMISSIONER JESIONOWSKI: It's a finding, no condition. 15 & 21 have been met; the housing component goes on the roof the hotel as a finding.

CHAIRMAN SCHWARTZ: As stated in the.....okay, we have a motion and a second with one finding that the.....

COMMISSIONER JESIONOWSKI: Who seconded it?

CHAIRMAN SCHWARTZ: Commissioner McMahan seconded it.

COMMISSIONER JESIONOWSKI: Thank you.

CHAIRMAN SCHWARTZ: And the finding is that the applicant testified that the housing component would be on the hotel. All right, all those in favor say Aye. All those opposed.

COMMISSIONER SERRANO: No.

CHAIRMAN SCHWARTZ: All right that passed on an 8-1. Congratulations Mr. Paulsen.

BOB PAULSEN: Thank you.

THE FOLLOWING ACTION WAS TAKEN:

NOW, THEREFORE, BE IT RESOLVED THAT On December 5, 2002 the Environmental Planning Commission voted to approve Project 1002337/02DRB-01708, specifically concerning 2 Conditions imposed by the EPC on October 15, 1998 on a Site Development Plan for Building Permit, application Z-98-123, for a portion of Tract A, Monroe Junior High School, located at the southeast quadrant of the intersection of Louisiana Boulevard and Indian School Road NE containing approximately 12 acres. (J-19)

MOTION BY COMMISSIONER JESIONOWSKI
SECOND BY COMMISSIONER MCMAHAN

OPPOSED BY COMMISSIONER SERRANO

MOTION CARRIES 8-1

5. Project # 1002202
02EPC-01469 EPC Site Development Plan-Amendment to Subdivision
02EPC-01470 EPC Site Development Plan-Amendment to Building Permit

RODEY, DICKASON, AKIN & ROBB PA agent(s) PRUWINROCK, LLC request the referenced action for all or a portion of Tract(s) A-1-1 and Tracts A-2, A B, C-2A, D-1A and E-1, **Winrock Center Additi** zoned SU-3, SU-2(R-2 & C-2) & SU-2(R-2 & O located on LOUISIANA NE, between I-40 and INDI SCHOOL NE, containing approximately 81 acre(s). 19) Juanita Vigil, Staff Planner

CHAIRMAN SCHWARTZ: I'll let the record show that Commissioner Begay has left. (Time: 4:55pm). Thank you. Ms. Vigil, Good Afternoon.

JUANITA VIGIL: Good Afternoon, Commissioners. This is Item No. 5, Project Number 1002202, Pru-Winrock represented by John P. Salazar, of Rodey, Dickason, Akin & Robb, Law Firm is requesting an amendment to the site development plan for subdivision and an amendment to the site development plan for building permit for Tracts A-1-A, A-2, A-3, B, C-2A, D-1A and E-1, Winrock Center Addition, containing approximately 80.79 acres. The applicant is proposing re-platting action that would consolidate seven lots into five lots. The applicant is proposing to remove part of their indoor shopping mall and existing movie theater to relocate these building spaces to a different location within the site. The relocation of a portion of the existing mall would be storefront designs abutting three newly created internal private streets. The applicant is also supplying design criteria that would give guidance to the future development of the storefronts and signs. Staff is recommending deferral of this case for several reasons. The city engineer is strongly recommending a deferral and the reasons are stipulated on page 49 of the staff report. The city engineer's comments refer to a need for a access evaluation study to determine if the new entrances the applicant is requesting is designed to not create a negative impact to the surrounding areas. To ensure that the application is consistent with the I-40/Louisiana Boulevard Interchange and Road Improvements Agreement that was recently signed between the applicant, the City of Albuquerque, and the New Mexico State Highway Department.

The city engineer also wants to ensure that the access point from the area commonly known as the Old Monroe Junior High School is consistent with the Uptown Sector Development Plan. The applicant has not provided sufficient information to staff to accurately determine the amount of retail space that is allowed on the site. The site is located outside the intense core of the Uptown Sector Development Plan and is limited to 10% of existing retail space, of new retail space. Staff at this point has been unable to determine if the amount of retail space the applicant is requesting is within the 10% for new development. Staff recommends deferral of this case to continue to work with the applicant to make corrections to the submittal, to remove the possibility of having an extensive list of conditions. To go into the details of the road improvement agreement, I have David Suffling, City Attorney and John Castillo from the Public Works Department who would like to discuss this issue a little further.

CHAIRMAN SCHWARTZ: Thank you, Miss Vigil. Mr. Suffling.

DAVID SUFFLING: Mr. Chairman, I had a discussion today with City Attorney, Bob White and Assistant City Attorney, Kevin Curran and also previously with the Assistant Public Works Director, John Castillo who were discussing the loop road alignment and the Uptown Sector Plan and also a contract between Winrock and the City, that addresses how the roadways and some of the internal roadways on the Winrock site would be constructed. The City Attorney asked me to convey to you his strong desire that you defer this matter until the City gets compliance with the contractual

agreement between the City and Winrock. The proposed site plan that is on the agenda tonight does not comply with that road agreement. The City Attorney feels that if you were to approve this site plan it would, it could have an adverse effect on the City's rights to enforce the contract. I'm not real clear on all of the details and I think John Castillo might be the person and he is here and he could address any of the specifics of the road agreement and why we feel that you should not hear this until that matter is resolved between Winrock and the City. Another reason, as Juanita mentioned, another reason for the deferral, that is separate from the road agreement, as she said on page 49 of the packet, and that is that the City Engineer has not had time to address and analyze the traffic impacts of the road alignment that is presented in their site development plan application. I'm not going to address the problem about how to interpret the sector plan about the 10% retail problem. I think that the other two reasons for the deferral are probably sufficient for you to make a decision on the deferral.

CHAIRMAN SCHWARTZ: Thank you Mr. Suffling. Mr. Castillo.

JOHN CASTILLO: Good Afternoon, Chairman, Commissioners. I'm John Castillo with the City Public Works Department. As it has been noted, we have several concerns regarding this submittal. One is that we have been working with Prudential in an effort to look at the traffic and how they want to develop this. To give you a little history, the State Highway Department has redesigned the interchange of I-40 and Louisiana. They are making it or converting it to what is referred to as a single point interchange. If you go back to the old sector plan the concept for that interchange is a little bit different. It had ramp connections to Americas Parkway and a totally different configuration. After they went through a very significant public input process and evaluation of that interchange, they converted it or changed the interchange design to what is referred to as a single point interchange. To give you an idea or if you are familiar with the Coors and Paseo Del Norte interchange, that would be referred to a single point interchange. So the interchange has been redesigned to a single point interchange that really necessitated changes to the access around that location. The ramps would then no longer connect to Interstate, to Americas Parkway and so we worked with Winrock and UNM at the time and entered into an agreement that was accepted and signed off by all parties with the reconfiguration of Americas Parkway. And I shouldn't say Americas Parkway but really the access off of Americas Parkway and the ramps onto I-40.

Americas Parkway essentially stayed the same as it is shown in the Uptown Sector Plan. We worked with Prudential, as I said, over nine months negotiating a contract. That contract required them to give us easements upon advertisement of the project. The project for the interchange was advertised on October 25, we requested the easements from Prudential and they have not given us those easements. Unfortunately I found out today that the Highway Department is canceling the bid for the I-40/Louisiana project. They were scheduled to open it tomorrow, so that bid is not going to be open. We have considered several alternatives that Prudential is tried to

work with us with regard to this interchange; we have talked about different solutions. Today, right now we at the point that the alternative that they suggested, although we would like to consider it further, they have not provided us with traffic information to really look at it anymore. So for that reason, we really request that you not hear this case and you defer it until we can get the required traffic information to move it forward. I'm not sure if you have specific other questions, I think that's, like I said we've been trying to work them, we've been considering their options or their alternatives. At this point we need more information. The alternative that was agreed to in the agreement, was substantially in compliance with I believe the Uptown Sector Plan. The alternative that they have now is substantially different than that. If you have any questions I'd be happy to answer them.

CHAIRMAN SCHWARTZ: Mr. Castillo.

JOHN CASTILLO: I know I'm kind of speaking arbitrary as opposed to showing you pictures to let you know exactly what is going on.

CHAIRMAN SCHWARTZ: Commissioner Owens.

COMMISSIONER OWENS: Mr. Castillo are you saying that the cancellation of the Highway Department's bid on the Louisiana interchange project is somehow connected to the disagreements that are between the City and Prudential are over the Winrock transportation requirements.

JOHN CASTILLO: The cancellation of the project is a direct result of not receiving easements that were required by our contract. That's the result. We have a contract with Prudential at Winrock, Pru-Winrock I might be saying the name or the organization wrong. At the time UNM owned the property and Prudential was I think their agent and had some kind of a lease holding on it. So we entered into a four party agreement with the State Highway Department, Prudential, UNM and the City of Albuquerque with a concept that would allow the single point interchange to be built and access along Americas Parkway to be constructed. We advertised the project within fifteen days they were required to give us the easements and we haven't received them, and basically at this point the Highway Department feels that they cannot move forward with the project without the easements.

CHAIRMAN SCHWARTZ: Commissioner Johnson.

COMMISSIONER JOHNSON: Thank you Mr. Chairman. Mr. Castillo what is the nature of the traffic information that you seek?

JOHN CASTILLO: Basically, they have reconfigured the access into and out of the site, substantially. And so what we would like to do, we have asked them for, we have met with them, we have had a scooping meeting, asking them to see how that traffic would move in and out of their site. So what we are asking them for is not necessarily

a traffic impact analysis, but something similar to a traffic impact analysis that would indicate how traffic would get into and out their site and see if the alternative they have now is a solution that does not impact the rest of the arterials and it works for the transportation system as well as their site.

COMMISSIONER JOHNSON: Thank you.
COMMISSIONER JESIONOWSKI: Question.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. Mr. Castillo in your best guess how long do you think it would take to resolve these issues?

JOHN CASTILLO: Mr. Chairman and Commissioner. I think where we're at is basically we need the traffic analysis and so...

COMMISSIONER JESIONOWSKI: Sixty days, Ninety days....

JOHN CASTILLO: Just so you know, there is a couple of things that are being done, one, if we can get the traffic analysis and it indicates that it is something that can work, then we can continue to consider it further. I don't know how long it would take for them to do it; I would suspect they could do it within about sixty days. There are other options that are going forward now, we're considering, Prudential has sued us for breach of contract and I guess we're considering suing Prudential for enforcement of the contract. So there is litigation, pending litigation going on now.

CHAIRMAN SCHWARTZ: Alright, are you asking them, because we hear a lot of this, for a preliminary traffic analysis or are you asking them for a regular full blown traffic analysis prepared by an engineer in accordance with ITE standards for your review?

JOHN CASTILLO: Well we need a traffic study that is prepared by a traffic engineer or a following ITE standards and other traffic engineering standards.

CHAIRMAN SCHWARTZ: Okay. Any questions for Mr. Castillo? All right, is there ....

JOHN CASTILLO: Excuse me.

CHAIRMAN SCHWARTZ: No I was going to say, is someone from the applicant who what's to address these issues, in the interest of equal time and....

JOHN SALAZAR: Mr. Chairman, members of the Commission....

CHAIRMAN SCHWARTZ: Mr. Salazar, let me swear you in, do you swear to tell the truth, under penalty or perjury?

JOHN SALAZAR: Yes.

CHAIRMAN SCHWARTZ: Thank you.

JOHN SALAZAR: Mr. Chairman, members of the Commission, my name is John Salazar, I'm with the Rodey Law Firm, P.O. Box 1888, Albuquerque 87103. I'm here today representing Pru-Winrock the owner of the Winrock Shopping Center. Now if I could say preliminary Mr. Chairman that we obviously have a different take on what has been presented to this point. We argue on our application and what I would like to ask at the beginning if this would be alright, we would like to proceed, we would like to be heard on our application. Would it be acceptable if we made our presentation and then answered, discussed the questions that have been raised?

CHAIRMAN SCHWARTZ: No, I think what, I think right now, I would like you to address the issues that were raised by Mr. Suffling and Mr. Castillo and give us an opportunity to discuss that.

JOHN SALAZAR: All right...

CHAIRMAN SCHWARTZ: If that is sufficient basis for a deferral on its own.

JOHN SALAZAR: Well with regard to the road improvements agreement which has been mentioned and its been suggested that Prudential has a responsibility to deliver certain easements to the City pursuant to the contract. It's our position, that Prudential does not have that responsibility, because there is a provision in the road improvements agreement that provides that the City will reasonably consider a realignment of the roadways, particularly Street A under the road agreement which is critical to what is happening here, and that they will consider realigning it for the betterment of Winrock, in the best interest of Winrock, at Winrock's expense, if Winrock asks. Now when the road improvements agreement was being negotiated, Prudential was then the owner of Winrock and there was some concern that they didn't want to get tied in totally to the roadway alignment at that time, because there was some thinking that maybe a redevelopment of the mall, Prudential was thinking about what it might want to do with the Mall, at that time the University still owned the ground on which Winrock Shopping Center sits. But given the road improvements agreement, which provided that if Winrock felt that it was in its best interest to do realignment, the City would reconsider it. Well then Prudential was comfortable then, spending $25,000,000.00 purchasing the land on which Winrock sits.

That was done after the road improvements agreement was entered into, because Winrock thought it had an agreement and an understanding with the City, that should they need to rework the roads, that then the City would work with them. So it was quite some time ago that, in fact it was May of this year, there were meetings with City transportation suggesting that there might be a different way to work the roads inside Winrock, so that the vision of the Uptown Sector Plan could be realized by creating

more of an urban feel, main streets within an eighty acre site in the heart of Uptown. So it was an exciting concept, the planners loved it, the City Planning Department loved it and we had to work with City Transportation and City Transportation was taking the view, that it no it has to be the way the first drawing was, even though we pointed out that the understanding was, gentlemen, that if there is a better way to do it, we would all see if we could make it happen in a better way.
I find it somewhat interesting, that Mr. Castillo would tell you that we shouldn't be before you to consider a realignment of the roads, when he suggested to us, look maybe we can't amend this road agreement, we disagree with that, we think City Transportation could amend it, because City Transportation entered into it. City Transportation is the one that drove this road improvements agreement, now they started backing off, and maybe we can't amend it. We were asking that for several, several months, we'll lets see if we can amend it and they weren't sure that they wanted to amend it and they didn't think they wanted to do it. And then we did file our application for a site plan which does have a little bit different roadway alignments and then Mr. Castillo said, well since you have now filed an application before the EPC, let's see what they decide, if they decide this new roadway alignment is okay, it will be okay with us, but don't ask us to amend it, because now you have applied to EPC to amend your site plan. So we think they still can amend the road improvements agreement, because they in essence did it, but then they said, well if you applied to EPC, let EPC decide and we will go along with that, that's the correct forum. Today he comes up and says well you shouldn't do this; because they haven't done what they are suppose to do pursuant to the agreement. Mr. Chairman, if I may, since this point has come up, let me just show you a letter that Mr. Castillo did write us. If I may, Mr. Chairman, this letter is dated October 18, 2002, from John Castillo to me, subject granting of easements.

Dear Mr. Salazar, thank you for your letter of September 18, 2002 regarding proposed modifications to loop road, which we identify as Americas Parkway, as stated previously, the proposed changes to Americas Parkway are not provided for in our existing agreement. And we disagree with that. But, *you have recently submitted a site plan amendment for your site to the Environmental Planning Commission, which includes the proposed modifications. Approval of these changes are best addressed comprehensively through this process.* So he said go to EPC if you want this done, don't come to me. And then he says, *as you know we're scheduled to advertise and we want the easements.* But, they said okay this is the place to do it, come here, so we think its disingenuous for Mr. Castillo to come here today and say no you can't consider it, because we have a disagreement about the road improvements agreement. So we do think we are entitled to be heard, we think the matter; to the extent there is an issue. We think the approval can be conditioned, we think you are entitled as the planning body of the City of Albuquerque to consider really how this should be laid out, what is consistent in your view with the Uptown Sector Plan. How can we implement that plan, this Uptown Sector Plan and does the PruWinrock proposal comport with that and advance it? We think it is totally within your prerogative certainly to hear this matter. We think it is within your prerogative to

decide this matter and we think it is within your prerogative and once you hear our presentation, that you would be entitled to approve our project. So Mr. Chairman, if we may, we would like to proceed with our presentation.....

CHAIRMAN SCHWARTZ: I guess, I'm more concerned about the easements than the agreement.
JOHN SALAZAR: Well the easements are called for in the agreement, but that assumes that the easements are assuming alignments different from those, which we are now proposing. Under the road improvements agreements there is a clause that says we can, we are entitled to have different roadways considered.

CHAIRMAN SCHWARTZ: I guess my concern is this, it seems to me that improving the Louisiana interchange is kind of a linchpin to the traffic for this whole area including your site and if these improvements don't go through it kind of cascades into all of the traffic implications for your site and then the other site and the whole sector plan area. So, I don't know how to explain, you know traffic seems to be traffic and the air quality issues that result from that traffic seems to be one of the major issues surrounding this site for the past ten years. They don't seem to be in all of these things we've seen here kind of trying to put the traffic issues, will we'll deal with those later, you know, we'll build everything now, then we'll figure out the traffic and I don't know if I'm comfortable with that.

JOHN SALAZAR: Well, Mr. Chairman, I would suggest to you, if you could hear our presentation, I think you could see how we are dealing with it and we are happy to stand for additional questions. We think if you see our site plan, that would probably prompt some additional questions and give us the opportunity to address any concerns that you may have. We think we can fully and completely address any concerns you may have and we do think that this is better situation. In fact, I would suggest, I would mention to you that the State Highway Department has been involved in these discussions about the road improvements agreement and was a party to it. They have seen the proposed site plan and they of course know what is in the road improvements agreement and I believe I can say, represent to you, that the State Highway Department believes it's an improved condition for the roadways.

CHAIRMAN SCHWARTZ: I'd like to hear that from Mr. Abbo. Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Thank you Mr. Chairman. I think that it ought to be reasonable, since this developed here recently and it resulted in the cancellation of the bids is that Mr. Suffling and the Legal Department in the City has some time to respond or at least look into what the allegations are and to give us some sort of interpretation before we hear the case. So I would think that we need at least more time for the Legal Department to give us the information so we can decide whether or not we want to move forward. So I don't think at this time, I'm comfortable in moving forward with hearing the case, until I hear what the Legal Department has to say.

CHAIRMAN SCHWARTZ: Any comments. Commissioner Johnson.

COMMISSIONER JOHNSON: I have a question. Do we have a copy of the agreement in our packet?

JUANITA VIGIL: Mr. Chair, Commissioner Johnson. No, the packet from what I understand is, the agreement is a hundred and some pages long.

COMMISSIONER JOHNSON: Oh, I'm sorry, I didn't understand that.

JUANITA VIGIL: It's one hundred and twenty eight pages long.

COMMISSIONER JOHNSON: It would be helpful, I mean I think this concept if there is a better way to do, that's fine, its an interesting path to follow, but we're stuck with only learning that at this time. And not knowing what role it plays in the agreement and clearly in the letter that you handed out today, Mr. Salazar. Mr. Castillo, says both, its well to consider it in this comprehensive fashion, but he also says, but you need to give the easements, so it sounds to me like the easement granting was sort of the paramount part of the agreement, but of course its difficult to judge that, because and its probably not even our role to judge what's the paramount thing in the agreement.

JOHN SALAZAR: Well the granting of the easements to the City are not critical to the interchange project. There were certain easements the State Highway Department needs; there were certain easements the City needs. The State Highway Department is prepared to go forward with the interchange with easements, which Prudential is considering giving to the Highway Department. What is causing the problem is that the City is insisting on easements being given to the City that are inconsistent with the site plan being proposed. Prudential is not slowing up the interchange project. Prudential and the State Highway essentially have an agreement on what can be done to advance the interchange. But City Transportation is insisting on easements which are totally inconsistent with this site plan and in fact City Transportation took the position that you should give us the easements for Street A which is a street that would run from the west side of Winrock to the new on ramp onto the freeway, up towards Americas Parkway. And so you should give us that easement and then we'll build the road and then if EPC approves the new alignment, you Prudential can come, you can tear up the new road and you can put in the new road the way EPC approved it.

Now that doesn't make much sense and so we didn't think that made much sense. The Highway Department doesn't need the easements that City Transportation is insisting on and City Transportation appears to be willing to jeopardize the interchange project to make its point. And we don't understand that, because Prudential and the State Highway Department essentially have an agreement on how to go forward, but

the City Transportation Department is refusing to let that happen because its insisting that certain other easements being given to the City, which are not critical to the interchange project. And I think Mr. Chairman if we could make our presentation at least you would have the big picture. You could decide whether or not you what to decide or whether you what to defer. You obviously have that; you know you don't have to decide today, we think you could decide today. We think at least as you ponder the issues it would be helpful to you if you knew what in the world, the context in which we are talking about these issues. We think it would be helpful to you, as a deliberative body to know that, because you are kind of operating in a vacuum here, you know with these things being thrown at you and we think it would help if you saw in context.

CHAIRMAN SCHWARTZ: Commissioner Serrano.

COMMISSIONER SERRANO: Thank you Mr. Chairman. Would it be, I'm not sure if this would be somewhat of a compromise to allow the presentation and not render a ruling but continue it. Could we continue the hearing, maybe Mr. Suffling?

DAVID SUFFLING: You can do that.

COMMISSIONER SERRANO: I mean since we're here. Hear the presentation and then continue for a reasonable period of time, you know for you to come up with some kind of interpretation on that issue if it affects the project.

DAVID SUFFLING: You can (inaudible – Suffling not speaking into the microphone), I think Mr. Castillo wants to respond to Mr. Salazar.

COMMISSIONER SERRANO: Okay. Thank you.

CHAIRMAN SCHWARTZ: Okay, any other questions to be directed to Mr. Salazar. Thank you sir. Mr. Castillo.

JOHN CASTILLO: Thank you Mr. Chairman. I would like to I guess provide a little different perspective on some of the things that Mr. Salazar has noted. We as my letter says, think that it is fully appropriate that this come to EPC and I don't think at anytime did I say that this should not be heard at EPC. I think what I was saying is that we need traffic information prior to coming to EPC. I think that is common, that is standard and that is what we've asked for, so that we could fully evaluate the concept. We have over a period of months evaluated several concepts from PruWinrock. We've looked at them, we've provided comments and we've considered them. We would like to consider this one. We're asking them to provide us with traffic analysis, because based on what they're giving us right now; we cannot make the assessment without it. And so we would like to continue to consider it as we have in the past, as we would like to continue in the future. We are asking for the traffic information. With regard to the changes and I'm not sure if I can describe this, the agreement talks

about for the betterment of Prudential, they can make changes to Street A. Street A is an internal ring road within this existing site.

If you look at their site now, Street A, if you were to look at their site the way they've shown it today and what our agreement has for Street A, Street A doesn't exist anymore. So it's not a modification of Street A that they are asking for. They are asking for a complete realignment if you will at best of Street A. They are moving Street A completely out of where it is now to a different alignment, they are changing the access along Americas Parkway, so we've asked them for information, so that we can evaluate it or continue to evaluate it. At this point, you know they have not produced that information. With regard to Mr. Salazar's comments that the Highway Department can proceed if they got their easements. I know that the Highway Department asked and worked with John to try to get easements so that they could keep the core project open. And as recent as this afternoon, because I know they spoke to them, because I spoke with the Highway Department, Prudential refused to give them those easements. And not give us our easements, okay. The Highway Department was asking, can you give us the easements they needed to build their core project without giving the easements that we needed for the rest of the project and Prudential refused.

And just so you understand one of the easements we need that actually goes to the City, but is actually related to the interchange is there is a ramp that is proposed to be constructed that would be basically be at the, the southwest corner of the Winrock site. So it's basically, you know where the Macaroni Grill is, so a little bit south of there. There is a ramp that is being proposed that would go underneath the ramp, the off ramp and connect on to I-40. That ramp, construction of that ramp is contingent on the City getting easements that would connect from a public ramp to a public street. Street A was designated to do that. So in order to really understand that we can build which is about a million dollar ramp and connection we need also that easement and that easement was coming to the City because the Highway Department was not going to accept that easement. But theoretically, the Highway Department wouldn't need that ramp unless we had the rest of the street built. And I know I might of lost some of you, but hopefully you understand there was a ramp connection to the interstate that was going to be given to the City in order for that ramp to be built.

The Highway Department wouldn't built it otherwise and its millions of dollars with regard to that type of construction. And the bottom line is we are considering their alternatives, we've continued to consider their alternatives. There is no deadline on us considering their alternatives. As Mr. Salazar pointed out Winrock as it says in the agreement they are financially responsible to pay for it, so whether it makes sense or not, they are financially responsible to pay for any change, modifications to Street A. So we could proceed forward with our agreement and if they got changes to it then they can make modifications. The agreement calls for us to consider it, the agreement calls for them to give us those easements fifteen days after advertising the project.

We advertised the project October 25th; we haven't received the agreement or the easements.

CHAIRMAN SCHWARTZ: Mr. Castillo...

JOHN CASTILLO: So I guess the issue is with regard to your evaluation of it, you are going to be evaluating it and evaluating access without any input or traffic analysis regarding how the system will work, that's our concern. Not that the agreement, basically you are evaluating a site plan, that we're not sure the traffic will work with it.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: Based on those comments, I don't think we should hear the case. I want the traffic issues worked out first, before we sit here and belabor this whole thing for hours and hours and then we find out that it has changed.

CHAIRMAN SCHWARTZ: Mr. Salazar, briefly. I'm sorry, Commissioner Johnson.

COMMISSIONER JOHNSON: I have one more question for Mr. Castillo. I am going to express my unhappiness that we're kind of stuck here making a decision without the materials to make it with. I mean it would have been much better, I did find in my packet, what I think is a picture of the agreement, but its hard to follow and you all would have to start out this way and have something to point to and make clear to us what the issues are. Because it's very difficult to follow the issues. My question of you is, is and since we don't know what the alternative is being proposed until we get into the presentation, if we get into it. Are there alternatives that you've seen that you think are absolutely unworkable?

JOHN CASTILLO: We early.... Mr. Chairman, Commissioner. Early on they submitted changes to Americas Parkway and we considered those changes and we rejected them. We gave them letters saying that that they were not going to be considered any further. They subsequently made other changes, we have continued to look at changes, and considered their changes, and continued to work with them. We are at point now, okay, we think this is something we'd like to look at further, and we want traffic analysis that tells us it will work. At that point we met, we met with their engineer, we did a traffic impact analysis-scoping meeting. So I think everybody understood what we were asking for and we've yet to see the information.

COMMISSIONER JOHNSON: Okay, is it fair to interpret what you just said as the things that you believe they're going to put on the table are in the category of things that you would consider, that you would not reject out of hand. But you would want to have traffic analysis before you would actually accept them.

JOHN CASTILLO: At this point and I'm not sure I quite understand, but there are things they put before us that we said we would not accept.

COMMISSIONER JOHNSON: Yes, as far as you know are those being offered?

JOHN CASTILLO: They are not being offered anymore. The analysis of the project that is being proposed now, we're saying gives us a traffic analysis so we can consider it further.

COMMISSIONER JOHNSON: Because you think it might work?

JOHN CASTILLO: We don't know if it will work, we're not sure, until we get the analysis, we want to understand how its going to work.

COMMISSIONER JOHNSON: Okay. I understand that. And my point about the materials was directed at both parties, because I think that both parties have brought this forward and made it kind of a gate keeping issue and we do really need better materials to understand it. Thank you.

JOHN CASTILLO: And I guess Mr. Chairman and Commissioner, prior to this hearing we had our scooping meeting with regard to the traffic information that we were expecting prior to this hearing.

CHAIRMAN SCHWARTZ: Commissioner Chavez.

COMMISSIONER CHAVEZ: Mr. Chairman, I'm curious and I guess I should say I'm a little late, but I think there is neutral comment, because I didn't expect them to get this far I would have made a disclosure regarding potential conflict before hand. But, I'm curious if this dispute regarding easements and this agreement and so forth would be a reason to delay consideration of this project. Would that mean that it would be reasons to delay considerations of any project in this area? And if it does, it doesn't seem that would be fair, because whatever traffic situation with regard to this dispute, not only applies to Winrock, but it would apply to anything in the general area. So it doesn't seem like it would be fair to other projects, to delay them because of this dispute and perhaps not fair to this project to delay because of the dispute. I sort of see the dispute as a separate issue that could in deed be dealt with, with conditioning or with proceeding with the case and deciding to continue it if we decide there is a problem with it. If this is a problem for this development, then it has to be a problem for a lot of things in the area.

CHAIRMAN SCHWARTZ: I think assuming that the reconstruction of the Louisiana interchange is going to result in a more efficient dispersion of traffic, if its not constructed, now you have traffic backing up on Louisiana to the north and it is, it's going to impact... you know you can't really have a definitive solution to traffic problems unless you know which scenario its going to be designed around. So as far as any mitigation from any other projects, what do you mitigate to, do you mitigate to an existing condition or do you mitigate to the new scenario with the new interchange.

COMMISSIONER CHAVEZ: Therefore, I think that any project; at least we should consider that any project should be considered with the idea with conditioning with regard to how this intersection impacts it. If you look at it in the reverse, I don't think it would be fair for Winrock to be in a position to delay other projects, by not resolving this dispute. And the reverse it might not be fair to Winrock to be delayed because of the dispute. I think the dispute is something separate that could be conditioned in any case that we hear regarding this interchange and the traffic impact and any property nearby.

CHAIRMAN SCHWARTZ: Commissioner Jesionowski

COMMISSIONER JESIONOWSKI: However, my concern is that Mr. Castillo can not give us his interpretation as to what the traffic situation is or will be based on the proposed amendments, okay. So I'm not going to be prepared to make a decision, without his interpretation, so why don't we get his interpretation first. Everybody else, who comes before this body, has to get Mr. Castillo's interpretation first, traffic. Winrock should be the same; Winrock should get Mr. Castillo's interpretation, be it positive or be it negative. Right now I have no interpretation, I would like to see his interpretation first.

CHAIRMAN SCHWARTZ: Commissioner Johnson.

COMMISSIONER JOHNSON: I'm going to disagree with Commissioner Jesionowski, finally.

COMMISSIONER JESIONOWSKI: Surprise!

COMMISSIONER JOHNSON: I think this is not like any other project, this is a fairly unusual circumstance, its long, its complicated, I don't think there is any reason not to begin to get information about the project, this evening. I certainly doubt very strongly that we would come to any decision making point and I would be reluctant to make a decision until I felt that this other issue was resolved. But I don't see any harm in gaining the information about what is being proposed, I think we will be ahead of the game in terms of time and I think it will take us a while to get there, so that's going to be the way I look at it.

CHAIRMAN SCHWARTZ: Commissioner Briscoe.

COMMISSIONER BRISCOE: If we begin to take to that part tonight, then we are into a condition it seems to me like continuance.

COMMISSIONER JOHNSON: Uh-hum.

COMMISSIONER BRISCOE: If we open ourselves up to a continuance, this could drag out for many months. At which time you have changing appointments, changing commissioners, who can hear the case it gets extremely complicated. I think this should be deferred.

CHAIRMAN SCHWARTZ: Director Chavez.

DIRECTOR VICTOR CHAVEZ: Mr. Chairman I just wanted to add something, my concern in this whole argument, is that the concept that we should consider, that we should fairly consider changes in the alignment is very real. Mr. Salazar is absolutely certain on that. But what we've got, that is before us now, is not a changed alignment, it's a different road. It's a totally different road. And what concerns me is that if you begin to take information, you know the road, instead of winding through here to get on, now this is the way you get on. That's not a realignment, that's a different road. And until this is resolved, we don't know what to present to you. You know this has become very muddy in just the last 48 hours, and I think, you know Commissioner Briscoe is correct, you know we could start down this thing, but we may end up on the wrong road, so to speak. You need to be careful about this, because this is a very critical issue a very important project for the community. I'm the last person who would want to get up and say slow progress down, but you may be hearing something that is completely changed in the next few days. So, be careful.

CHAIRMAN SCHWARTZ: Thank you sir, Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: I'll make a motion for....

CHAIRMAN SCHWARTZ: I want to hear... I told him Mr. Salazar that I would let him respond.

JOHN SALAZAR: Thank you Mr. Chairman, I'll be brief, with regard to Mr. Castillo's comments. Mr. Castillo is correct that there does need to be a public street going to the on ramp that goes to the freeway, he is absolutely correct about that. But the plan that we want to show you this evening, does show an alternate public street to the on ramp, that the Highway Department feels is better than what is presently proposed. So we think that is an improved condition. As Mr. Castillo is candid enough to say, he said maybe this plan would work, but he didn't know as of right this minute he didn't know. We think he's going to love it. That's why we want to get the chance to show you what we're thinking about. The other thing is I think Mr. Castillo may have been misinformed about one item, he said that Prudential refused to give the easements to the Highway Department. That is not correct. Prudential is working on giving the easements to the Highway Department, the Highway Department is very much aware of that, they are working with us to see how we can make it happen.

One other thing that I think is important on the traffic study, Winrock has got an entitlement on the traffic study. In 1991 there was an entitlement indicating that as

long as the square footage for the mall or the shopping center didn't go over 941,000 square feet which is what it had been approved for previously, no traffic impact study would be required. In fact when we submitted our application that form was signed off, no traffic impact study required. Now there has been some suggestion that maybe we should have some sort of access study, because maybe there is a difference on access points. We think that is a relatively minor matter in terms, because we're not talking about any more square footage. We're still talking about getting people to and from Winrock from the same points essentially and its there was some thinking that maybe that changes things a little bit. But a traffic impact study is not required, everybody agrees on that. So we don't think that that traffic issue is that big an issue. So what we would request, is that you hear the case and at least get the information and the you can decide, is it a big deal, do you want to condition it, do you want to continue it, how do you what to handle it. But at least get the information so you've got the big picture. We think it would be helpful and we think it makes sense we would certainly appreciate it.

CHAIRMAN SCHWARTZ: Thank you Mr. Salazar. Commissioner Johnson.

COMMISSIONER JOHNSON: Mr. Salazar, Thank you Mr. Chairman. Mr. Chavez came up here and pointed to where the new road was going to be and it's a very different location from where the road is now. Is that in fact the nature of the change, it's a very different location than where the road is now?

JOHN SALAZAR: It is a different location, it's a much better approach to the ramp, because the way the ramp, the way the present, the way the road in the road agreement is drawn it would be very circuitous, the road the way its proposed in the road improvements agreement would come from Indian School Road, down the loop road, then if your coming south you would have to take a left and go into Winrock and get back into its internal ring road to get further south to get to the on ramp. Now this is a different approach to the on ramp, but it's a straight shot to the on ramp from Pennsylvania and the Highway Department has indicated that it's a much better approach and it doesn't have the circuitry that they .....

COMMISSIONER JOHNSON: Do we have any documents from the Highway Department so indicating?

JOHN SALAZAR: I don't think there is a document, there certainly have been conversations, and I don't know that there is a document so indicating.

COMMISSIONER JOHNSON: Thank you.

CHAIRMAN SCHWARTZ: Okay, thank you Mr. Salazar. Commissioner Jesionowski.

COMMISSIONER JESIONOWSKI: I would like to point out that staff has recommended deferral. Mr. Castillo has suggested deferral. The Director of Planning

has recommended deferral and I'm proposing a motion to defer this for sixty days to coincide with the February 13th hearing of the other two cases…

CHAIRMAN SCHWARTZ: You forgot the City Attorney.

COMMISSIONER JESIONOWSKI: Oh the City Attorney, excuse me, has recommended deferral as well, so I'm suggesting a deferral to February 13th to coincide with the other hearing and we can hear this all at the same time.

COMMISSIONER BRISCOE: I question whether we need to set a date on it, it seems to me that the applicant and the City need to set the date on when we should hear it again.

COMMISSIONER JESIONOWSKI: Well I don't think we can indefinitely defer it, so I would like to do is set a date and have them try to achieve an agreement or something by that date. Everything happens in the time frame allotted, okay.

CHAIRMAN SCHWARTZ: Commissioner Johnson.

COMMISSIONER JOHNSON: I will actually support your motion, because of what I have learned about the difference in the streets being proposed, I thought these were minor differences, but they are not minor.

COMMISSIONER JESIONOWSKI: So is that a second?

COMMISSIONER JOHNSON: I'll second it.

CHAIRMAN SCHWARTZ: So we have a motion and a second, is there any discussion? Okay seeing that…. Okay, Mr. Paulsen.

BOB PAULSEN: Mr. Chairman, Commissioners and others involved in this case, we've been sitting here concerned about a matter and I think this is a point where we feel we have to bring it up and Juanita has been a little uncomfortable while we're listening. In your Sector Development Plan on page thirty-three, there's a diagram, I think this is the correct page. The street system improvements as set in the Sector Plan in 1995, when this revision was adopted and there is some considerable articulation in the text relating to this. We're wondering if Winrock proposes to go ahead with the alignment they are currently suggesting, if their alignment as proposed requires a text amendment to the sector plan. Now I think the text in the plan provides some room for adjustments of the alignment you see in the plan, I think its been the opinion of the City, that the alignment that the circulation system as you see on Exhibit A that's been agreed to, more or less meets the functionality of what we see in the sector plan.

We now have a question and we were hoping to see some traffic information before we made a conclusive determination, but we're wondering if the alignment being proposed now by Winrock where the traffic circulation system represents a departure from this plan to the point where it's an amendment. I'm raising this, not to create an additional situation or complexity, I would hate for Winrock to proceed any further without having the Planning Commission understand some of this issue and perhaps they would like to... and Mr. Salazar is getting up and maybe he would like to respond to this, but I would hate to see them come back in sixty days and find out from staff that you need an amendment. I think we need to talk a little bit about this tonight so that they know where they are at regarding the staff's view point of this change in the circulation system.

CHAIRMAN SCHWARTZ: Okay is this relevant to the motion we have on the floor?

BOB PAULSEN: I think this is relevant to their application and the fundamental issue of what might be heard.

CHAIRMAN SCHWARTZ: Okay, thank you Mr. Paulsen. Mr. Salazar.

JOHN SALAZAR: Thank you Mr. Chairman. I think that it's a legitimate inquiry that has just been raised, but let me tell you what it's a very important consideration, very important, because if we would need a text amendment to the Uptown Sector Plan to get the amendment to the road improvements agreement we're talking about. Then there is a very serious question about the road improvements agreement. The road improvements agreement upon which the City is relying today, it amends; it amends this figure three on page thirty-three of the Uptown Sector Plan substantially. City Transportation never got the consent of the City Council to amend this document when they did the road improvements agreement. So if that's the case, the road improvements agreement is not valid and we're back to G5 and let me, for example, let me just show you what is different about this picture and City Transportation did this, it didn't go to City Council. These are really important, big points...Prudential worked very hard with the City to get the road improvements agreement, Prudential gave up an improvement that was called for on G5 which is on page thirty-three, that was going to cost the City millions of dollars to construct and Prudential gave it up to take a little right in and right out off Louisiana.

If you look at this document and first of all it shows the ramps coming off the freeway, off to the loop road, do you see that, it comes up to the loop road from Interstate 40, that's no longer the case, the road improvements agreement doesn't show that, it shows a different way the ramps are handled. Then you see this wide entrance into Winrock that is just up from the interstate, if you go north, it goes east/west from Louisiana into Winrock, that was a fully signalized interchange, right in and right out direct access to the I-40 on ramp from Winrock through a signalized intersection. That was deleted. City Transportation agreed to delete that. They didn't take that to City Council. You know what were asking for with regard to the loop road, we're just

asking for a right in and right out and they say we may need a sector plan amendment and we're saying we just would like a right in and right out and now their saying, maybe you need a sector plan amendment.

How in the world did they do the road improvements agreement, which substantially changed this picture and with by of necessity changed the accompanying text in the Uptown Sector Plan without City Council approval? Which means then, what are we talking about, we don't need to do anything with regard to the road improvements agreement, lets just go back to this plan. If that's really the position, lets go back to G5 and we don't have to worry about this road improvements agreement, because it never got City Council approval. I think it's a legitimate question that Mr. Paulsen has raised, but if City Transportation wants to take that position, then they've just thrown out the road improvements agreement, which we are back to G5, which was adopted by City Council, its part of the Uptown Sector Plan.

CHAIRMAN SCHWARTZ: Mr. Paulsen.

BOB PAULSEN: Mr. Castillo would like to respond.

CHAIRMAN SCHWARTZ: Mr. Castillo.

JOHN CASTILLO: I guess the comment that City Transportation is requesting a sector plan amendment is inaccurate, we are not asking for that. I think perhaps the Planning Staff had thought that this might be an issue, we don't see it as an issue, and we've never asked for or required a sector plan amendment with regard to the changes on the loop road.

CHAIRMAN SCHWARTZ: Well, Mr. Briscoe.

COMMISSIONER BRISCOE: Is what we're going to see a realignment that gets the on ramp up near Pennsylvania?

JUANITA VIGIL: Mr. Chairman, Commissioner Briscoe, yes.

COMMISSIONER BRISCOE: Then that's very different. Then I can certainly see the point that a site plan, that a sector development, that a sector plan would need to be amended for that. That's taking access off of Pennsylvania virtually, not off Louisiana that neighborhood. It impacts the neighborhoods very greatly, very differently. It's a very different proposal.

CHAIRMAN SCHWARTZ: Mr. Salazar.

JOHN SALAZAR: Mr. Chairman, if I may, perhaps I misunderstood the question, but I thought the question was would the ramp be off Pennsylvania instead of Louisiana? No the ramp would stay at Louisiana. The on ramp onto the freeway would stay at

Louisiana. Now the approach, the approach to the on ramp would come from Pennsylvania, there's an access point there presently. There's a, in fact I think it's a signalized intersection right there, it would be the southeast entrance to Winrock off Pennsylvania and it would just, if I may refer to this drawing...

COMMISSIONER SERRANO: It would be like a feeder road, is that what your saying....

JOHN SALAZAR: Yes, this is the site plan, (inaudible, not talking into the microphone) ... it shows where Winrock is, of course this is I-40, Pennsylvania running north and south. The new on ramp, the new on ramp (inaudible).. Winrock comes in right here at the southwest corner of Winrock onto the freeway and originally the access was going to come from Indian School down the loop road and then through the project and wind its way down the ring road (inaudible) to this on ramp. The suggestion now is to actually have a public street that comes from Pennsylvania as an access road to the ramp, which comes along the southside of Winrock onto the ramp. So it's a straight shot, we're not mixing shopping center traffic necessarily (inaudible)....because as Mr. Castillo says, to get the funding for the ramp, for the on ramp onto the freeway, the public has to have access to the ramp, it can't be just a ramp for the shopping center, so he's correct about that. But, as I've indicated, the State Highway Department preliminary thinks that this is a better solution to getting people onto the on ramp. But, the ramp itself is not moving.

CHAIRMAN SCHWARTZ: You know we didn't hear the case earlier about the sector plan provisions and we deferred it, but I'm going to make this comment anyway. You know there's this resolution R-46 out there. It says to initiate a review of the Uptown Sector Plan and solicit public input regarding proposed amendments. It says be it resolved, that the City should initiate a review of the Uptown Sector Development Plan, that the City Planning Department should as part of its review solicit the input from the public, input should include information about transportation strategies that have yet to be implemented. One of the motivations of this was in response to the concerns about piece meal plan revision lawsuits, lack of (inaudible) .... large vacant parcels, Councilor McEntee sponsored a resolution to repeat the uptown plan. I mean its all there, I mean the City was supposed to take the lead on revising this plan and incorporating all these transportation solutions in there and it hasn't been done. We're right back apparently when Councilor McEntee sponsored this resolution. We have piece meal revisions proposed, we don't have lawsuits yet, we certainly have a lot of pre lawsuit activity, and I don't know how it could be anymore clear. We're doing it piecemeal and we're not doing what we said we were going to do. Mr. Chavez.

DIRECTOR VICTOR CHAVEZ: I would like to comment on that; you know there was a lot time spent on working out this plan.

CHAIRMAN SCHWARTZ: I'm sure there was.

DIRECTOR VICTOR CHAVEZ: That transportation system was reviewed, there was a solution arrived at, there were agreements signed and now it's different. So the effort has gone in to plan this properly and now it's a different ballgame than what was laid out less than a year ago and signed just months ago.

CHAIRMAN SCHWARTZ: I don't dispute that, I think that was the reason there was this initiative to get a city lead revision.....

DIRECTOR VICTOR CHAVEZ: And I just want to assure you that it was done and there were good results from that.

COMMISSIONER JESIONOWSKI: So the question is, I think on the floor here, is does that in our interpretation require a sector plan amendment and I think what your saying is yes. Is that what your saying Alan?

CHAIRMAN SCHWARTZ: Well, I'm saying I don't know how literal you want to make the map, I mean we have a drawing on page thirty-three that doesn't look like anybody's presentation that we've seen. Okay, so that's not what the applicant is currently presenting, that's not what's represented on this attachment that the City says was the agreement either, so if your position is that you have to make a literal interpretation of a street map on a sector plan, then someone needed to initiate a application to modify the sector plan.

COMMISSIONER JESIONOWSKI: So we should give the applicant guidance, that they should consult with staff and with City Legal to make a determination as to whether a sector plan needs to be amended.

CHAIRMAN SCHWARTZ: I suppose. I think what concerns me mostly, is that we have had lot of references to the State Highway Department, but we haven't heard from anybody from the State Highway Department.

COMMISSIONER JESIONOWSKI: Yes that would be helpful.

CHAIRMAN SCHWARTZ: We've got a lot of representations about the position of the State Highway Department, but we don't actually have that directly from the State Highway Department either. Either from a verbal testimony or written information. So, that's, I don't know.

COMMISSIONER JESIONOWSKI: So are we back to the motion?

CHAIRMAN SCHWARTZ: So we're back to the motion, oh wait just one moment; I have a couple of comments. Commissioner Owens.

COMMISSIONER OWENS: Just an observation with respect to the sector plan amendment, whether we need it. I was looking at the narrative in the plan that

describes with particularity the loop road and its in great detail; it describes it in great detail. And the resolution proving the plan specifically calls out that the text of the "policy and design controls" section of the plan are adopted as an extension of the zoning code and its zoning map. So that to me it says its really, this narrative about mobility, completing uptown street system and the specifics of the loop road etc..were adopted very specifically and not as general guidelines?

CHAIRMAN SCHWARTZ: Mr. Salazar.

JOHN SALAZAR: Mr. Chairman, I just wanted to comment on something that Mr. Chavez said, because he was not Planning Director when the road improvements agreement was negotiated, but he indicated I guess assumed that it was studied thoroughly before it was entered into. There was no traffic impact analysis done before prior to the road improvements agreement being entered into. There was no access study done, before the road improvements agreement was entered into. The City did not do those studies before they amended G5 that is in the Uptown Sector Plan. So we feel our request is pretty modest compared to the change from G5 to the road improvements agreement and we feel in terms of what were doing is relatively modest.

CHAIRMAN SCHWARTZ: Okay. Its page thirty-three, G-5.

COMMISSIONER JOHNSON: Okay.

CHAIRMAN SCHWARTZ: Okay, we have a motion on the floor.

COMMISSIONER JESIONOWSKI: And a second.

CHAIRMAN SCHWARTZ: And we have a second. That motion was to defer this item until the...

COMMISSIONER JESIONOWSKI: Until the February 13th hearing date to coincide with the other two hearing date.

CHAIRMAN SCHWARTZ: Alright, all those in favor .....

COMMISSIONER MCMAHAN: Can we move the time up from 3:00 p.m. to noon to start, no; we wear our jimmies, okay.

CHAIRMAN SCHWARTZ: We have one less item, than we did today. All those in favor of the motion signify by saying Aye.

Commissioners: Aye.

CHAIRMAN SCHWARTZ: All those opposed.

UNAPPROVED

COMMISIONER CHAVEZ: Abstained.

CHAIRMAN SCHWARTZ: Okay that passes 7-0-1. Thank you all very much.
THE FOLLOWING ACTION WAS TAKEN:

NOW, THEREFORE, BE IT RESOLVED THAT On December 5, 2002 the Environmental Planning Commission voted to defer Project 1002202/02EPC-01469 EPC Site Development Plan-Amendment to Subdivision and 02EPC-01470 EPC Site Development Plan-Amendment to Building Permit, to the Environmental Planning Commission Public Hearing on February 13, 2002 at 4:00 p.m.

MOTION BY COMMISSIONER JESIONOWSKI
SECOND BY COMMISSIONER JOHNSON

ABSTAINED BY COMMISSIONER CHAVEZ
MOTION CARRIES 7-0-1

NOW, THERE BEING NO ITEMS BEFORE THE ENVIRONMENTAL PLANNING COMMISSION WE ADJOURN AT 6:00 P.M.

City of Albuquerque
nning Department
evelopment Services Division
P.O. Box 1293
Albuquerque, New Mexico 87103

Date: October 16, 1998

OFFICIAL NOTIFICATION OF DECISION

Uptown Square, Ltd.
2444 Louisiana
Albuquerque, NM 87110

FILE: Z-98-123
LEGAL DESCRIPTION: For a portion of Tract A, Winrock Center Addition, zoned SU-3, located on the southeast corner of Indian School Road and Louisiana Boulevard, containing approximately 9.63 acres. (J-19)
BOB TORRES, STAFF PLANNER

On October 15, 1998, the Environmental Planning Commission voted to recommend approval to the City Council of Z-98-123/SD-95-4-2, an amendment to the Uptown Sector Development Plan (Intense Core area), to ow 1) retail floor space to increase from the Plan maximum of 10% to 20% of a site's floor space (Gross able Area), and; 2) to increase the retail floor area allowed in a free-standing building from the Plan ...ximum of 20,000 to 26,000 square feet. (Uptown Sector Plan, Section 1.A.5). One housing unit is required per every 2,000 square feet of retail above the 10% former maximum up to the new maximum of 20% of retail. A minimum of 80 square feet of adjacent open space in the form of decks or patios and a maximum of 1 parking space should be required per unit provided. Based on the following Findings and subject to the following Conditions:

FINDINGS:

1. This is a request to amend the Uptown Sector Development Plan, Section 1.A.5 (Intense Core), to allow 1) retail floor space to increase from the Plan maximum of 10% to 20% of a site's total approved floor space (Gross Leasable Area), and; 2) to increase the retail floor area allowed in a single freestanding building from the Plan maximum of 20,000 to 26,000 square feet). Add housing at a minimum of 1 unit per additional 2,000 square feet of retail above the former 10%square foot maximum to a new maximum of 20% square foot of retail.

2. The Uptown Sector Development Plan was adopted by the City Council on June 19, 1995. It provides policies and regulations to guide development in the Uptown area and emphasizes the need for mixed use in the development.

   The proposed Sector Plan amendment applies to the entire "intense core" area of the Sector Plan.

4. If the City Council has jurisdiction to adopt the governing Sector Development Plan, only the City Council may approve Sector Development Plan Amendments (except areas less than one block). (Zoning Code, Section 14-16-4-3 (C)(3) p. 235)

5. Restaurant uses which provide food and drink for consumption on or off-premises are considered to be retail uses by the Zoning Enforcement Officer, and by the City Zoning Code (Section 14-16-2-16 (A)(7)(I)).

6. The Environmental Planning Commission has previously recommended approval of a Sector Plan Amendment for this site allowing 15% retail uses (Z-96-119/SD-95-4-1; January 16, 1997).

7. Per the Zoning Enforcement Office, theater use has been determined not to be a retail use.

8. Housing should be in integral aspect of mixed use sites.

9. Additional housing is desired in the SU-3 Uptown Sector Plan area.

10. R-70 encourages mixed use development and intense mixed use development at certain locations within the city limits.

On October 15, 1998, the Environmental Planning Commission voted to approve Z-98-123, a Site Plan for Subdivision, based on the following Findings, subject to the following Conditions, and contingent on City Council approval of the concurrent Sector Plan amendment.

FINDINGS:

1. This is a request for approval of a Site Plan for Subdivision for a 9.63 acre site creating a 7.52 acre lot for phase I development, a 2.11 acre lot to remain vacant at present, a segment of Americas Parkway, an 86' right of way public road, access and egress and related circulation.

2. The proposed Site Development Plan for Subdivision meets the minimum requirements for approval.

3. The alignment of the Loop Road, Americas Parkway, has been set.

4. Temporary access to the project site may be provided by an interim alignment of the Loop Road, extending south from Indian School Road to the southerly project boundary.

5. With minor modification as specified in the recommended Conditions of Approval this plan conforms to applicable City plans and ordinances.

6. Housing should be an integral aspect of mixed use sites.

7. Additional housing is desired in SU-3 Uptown Sector Plan area.

CONDITIONS :

1. Comply with Transportation Development Division conditions as follows:

   A. A TIS has been performed for this request. An update of the TIS / AQIA to reflect the changes in proposed land use intensities, this includes a comparison of the approved as amended land uses with those proposed for the current site plan. The implementation of and/or monetary contributions for mitigation measures required subsequent to the ***TIS negotiations*** must be done by the developer and accepted by the City prior to site plan sign-off by the DRB.

   B. Implementation of applicable **Uptown SDP** requirements. This includes the development of the Uptown Loop Road. A proposal to realign the Loop Road from the originally agreed 'G-5 Alignment' in this section, from Louisiana Boulevard to Indian School Road, to improve intersection spacing is being considered. An agreement between this property and Winrock Center needs to be reached on the realignment.

   C. The modification to the design of Southern entrance to America's Parkway may be considered if the proposed ramp to Interstate 40 is eliminated as part of the redesign of the I40 / Louisiana Interchange. Dedication of 62 feet and 43 feet from the existing centerline, and the full width of 86 feet of right-of-way for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

   E. Construction of the needed street improvements, including pavement, curb and gutter, signal conduit, turn bays, medians and deceleration lanes, and 6 foot to 15 foot sidewalks for Louisiana Boulevard, Indian School Road & Uptown Loop Road, respectively.

2. The submittal of this Site Plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal indicating how the site development plan has been modified to meet the EPC conditions.

On October 15, 1998, the Environmental Planning Commission voted to approve Z-98-123, a site plan for building permit, based on the following Findings and subject to the following Conditions:

FINDINGS:

The Site Plan for Building Permit proposes a mixed use development on a 7.52 acre site in the Uptown area at the southeast quadrant of the intersection of Indian School Road and Louisiana Boulevard.

2. The Plan proposes a total 455,570 square feet of development including a 14 screen, 4000 seat theater, one large retail building, 6 smaller retail buildings, one shops building, other shops in the theater building, 2 stand alone restaurants, a 25 story, 300 hundred room hotel and 2 parking structures. Housing components shall be added as per the requirements of the Sector Plan Amendment as recommended by the EPC.

3. The proposed Site Plan for Building Permit generally meets the requirements of the Sector Plan for a mixed use development.

4. Additional housing is desired in mixed use sites. Housing could be provided as studios, lofts, or more nontraditional housing types. 80 square feet as a minimum should be required for open space in the form of decks, patios, or terraces. Parking requirements are less then normally required for housing types.

5. Housing units should be provided above retail buildings, offices, restaurants or parking structures.

CONDITIONS:

1. The applicant shall participate in a Transportation Management Organization (TMO), providing and installing bicycle racks or storage, employee lockers and showers, carpool and vanpool parking, and site ATM's as per the original agreed on traffic mitigation plan for this site (attached).

2. The applicant shall submit for DRB review detailed plans and elevations for each building, plaza, and landscaped area which show proposed facade improvements and decorative features, etc.

3. The applicant shall submit for DRB review a complete landscape plan, including all required vegetation elements, specifying such specific landscape details as bench placement, planter areas, tree planting hole and grate details, drainage, and irrigation. The applicant shall also provide landscape plans for all plaza areas, drawn in detail at a maximum scale of 1"=10'. The plan should also locate and identify lighting, signage, public art and other elements not well illustrated in the submitted plans.

4. Additional design drawings should be submitted prior to DRB showing design enhancement of the pedestrian path to the north, east of Retail 1. This could include skylights, window treatment of Retail 1, furniture, color, texture, lighting, and other enhancements to make this path attractive and safe.

5. The north facade of Garage 1 shall be enhanced by providing display windows along the lower elevation of the garage.

6. The applicant shall conform to all applicable portions of the Americans With Disabilities Act, including providing convenient and safe access to all major entries and pedestrian connections. Pedestrian ramps shall be given locational priority over stairs.

7. Building and plaza signage, lighting and ornamentation shall substantially conform to the illustrations presented in the applicant's submittal package, including the booklet entitled, Design Elements and Supplemental Information, Permitted ornamentation shall include one or more of these features per tenant space, to the satisfaction of the Planning Department:

- Awnings
- Decorative banners, flags, streamers, etc., of a semi-permanent nature, including banners advertising public or private cultural events
- Light fixtures
- Additional Landscaping, including portable plantings
- Additional Pedestrian features
- Other amenities and decorative elements to the satisfaction of the Planning Department

Illuminated signage is not permitted on the east building facades from 26' above finish grade to the uppermost building elevation.

9. Monument signs shall not be higher than 10' or greater than 100 square feet in area. The number of monument signs shall be restricted to four, one at the entrance on Indian School Road , one at the northeast corner of the site, one at the Americas Parkway entrance, and one at the Louisiana Boulevard entrance.

10. The signage criteria submitted is a condition of approval except where it may conflict with the Zoning Code or with the Uptown Sector Plan. Delete the criteria which prohibits flags and banners.

11. Standard parking spaces are 20' x 8.5' and shall be so noted on the site plans.

12. Provide pedestrian connections to adjacent uses at Winrock Center including clearly marked textured alternative paving across the loop road. A connection across Americas Parkway at mid site along the east property line shall be 20 feet wide, this connection shall occur directly to the north of the access road. All pedestrian crossings of drive aisles shall have textured pavement and a minimum 8 foot width.

13. Comply with the following Transportation Development Division conditions:
A. Modifications to the Indian School Road entrance -
... provision of a deceleration lane (includes dedication & construction).
... Modification of entrance to include adequate space for all traffic movements either entering or leaving the site, and an adequate throat area for queuing of traffic entering or leaving the parking structure.

... the entrance will operate as a full movement access point, construction of a median opening for left turns will be required. Additional right-of-way may be required as determined by the requested traffic analysis.

B. Modifications to the east side entrance -

... must be 40 feet wide to accommodate a 16 foot entrance lane & two 12 foot exit lanes for approximately 50 feet before the transition to 30 feet in width.

... the hotel entrance must be 30 feet in width; the turnaround at the 'Porte cochere' entrance must have a minimum radius of 30 feet; and provision of an exit lane with a maximum width of 18 feet , and intersect at a 60 degree angle with the Loop Road.

C. Modifications to the south side entrance -

... entrance must be a service drive exit only.

... the exit must intersect west of the Interstate 40 Ramp / Loop Road intersection.

... the 20 foot exit lane must intersect at a 45 to 60 degree angle to the Loop Road.

D. Provision of adequate pedestrian circulation with handicapped features within the site and to the adjacent streets, this includes connections to the adjacent residential and commercial developments.

E. The site plan must identify surrounding uses and provide dimensions where appropriate, i.e., structures, streets, drive aisles, parking spaces, walls, signs, etc.

F. Vehicular and pedestrian circulation pattern must be developed to the satisfaction of the Traffic Engineer.

G. Provision of direction pedestrian access from parking garage elevators to the proposed pedestrian mall.

H. The completion of the Americ's Parkway should determined and participants are urged to complete negotiations as quickly as possible.

14. The submittal of this Site Plan to the DRB shall meet all EPC conditions; a letter shall accompany the submittal indicating how the site development plan has been modified to meet the EPC conditions.

15. The restaurant shall be architecturally integrated into the overall site architecture period. Guidelines shall be developed and submitted to the EPC site plan review committee. when

16. Street trees shall be added at 30 feet on center on the westside of the restaurant building along Louisiana.

17. Delete the walkways shown on the east, west and south side of the parking garage number 2, convert it to landscaping.

18. Improve pedestrian connections from garage number 2 to the pedestrian ways to the east, west, and south of the site.

19. Widen the sidewalk directly to the east of the south restaurant; the sidewalk runs in a east/west direction. Shade trees shall be added at 25 feet on center along the pedestrian way.

20. Housing units shall be added to the site at a rate of 1 unit per 2,000 square feet of retail above the 10% former requirements up to a maximum of 20% of retail on the site. Parking shall be required at a maximum of 1 space per unit.

21. Each housing unit shall have a minimum of 80 square feet of open space adjacent to the unit in form of decks, terraces, or patios and a maximum of 1 parking space per unit. The revised site plan shall be submitted to the EPC site plan review committee for final approval prior to DRB submittal.

IF YOU WISH TO APPEAL THIS DECISION, YOU MUST DO SO BY OCTOBER 30, 1998 IN THE MANNER DESCRIBED BELOW. A NON-REFUNDABLE FILING FEE OF $50 IS REQUIRED AT THE TIME THE APPEAL IS FILED.

Appeal to the City Council: Persons aggrieved with any determination of the Environmental Planning Commission acting under this ordinance and who have legal standing as defined in Section 14-16-4-4.B.2 of the City of Albuquerque Comprehensive Zoning Code may file an appeal to the City Council by submitting written application on the Planning Department form to the Planning Department within 15 days of the Planning Commission's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal, and if the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. The City Council may decline to hear the appeal if it finds that all City plans, policies and ordinances have been properly followed. If it decides that all City plans, policies and ordinances have not been properly followed, it shall hear the appeal. Such appeal, if heard, shall be heard within 45 days of its filing.

YOU WILL RECEIVE NOTIFICATION IF ANY OTHER PERSON FILES AN APPEAL. IF THERE IS NO APPEAL, YOU CAN RECEIVE BUILDING PERMITS AT ANY TIME AFTER THE APPEAL DEADLINE QUOTED ABOVE, PROVIDED ALL CONDITIONS IMPOSED AT THE TIME OF APPROVAL HAVE BEEN MET. SUCCESSFUL APPLICANTS ARE REMINDED THAT OTHER REGULATIONS OF THE CITY MUST BE COMPLIED WITH, EVEN AFTER APPROVAL OF THE REFERENCED APPLICATION(S).

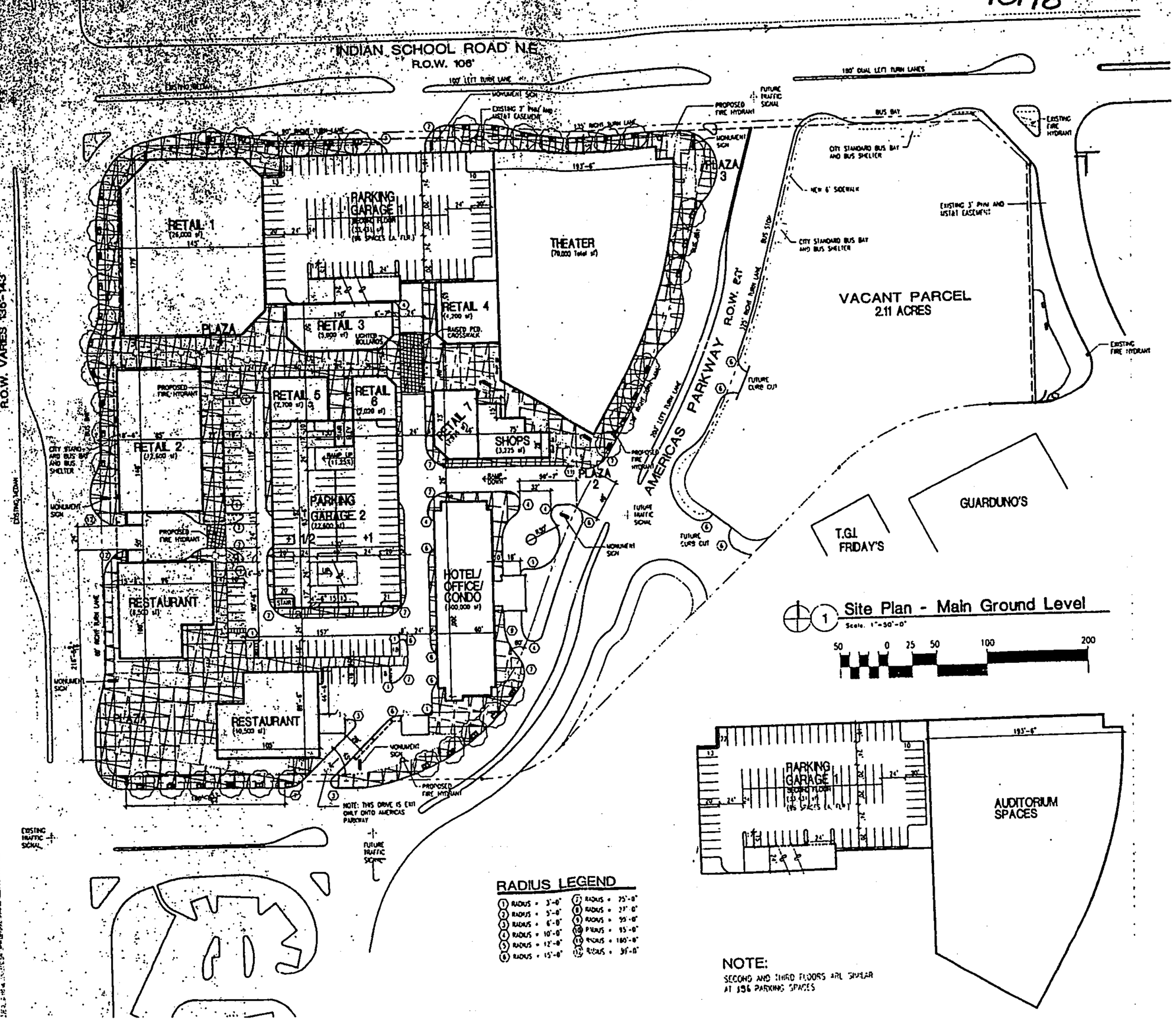
Sincerely,

FOR Bob McCabe
Planning Director

BM/BT/ac

cc: Contract Purchasers, 2325 San Pedro NE Suite 2B, Albuquerque, NM 87110
Stefan Verchinski, Classic Uptown Neigh. Assoc., 2700 Espanola NE, Albuquerque, NM 87110
Faye Hansen, Classic Uptown Neigh. Assoc., 2912 Charleston NE, Albuquerque, NM 87110
Donna Yetter, Inez Neigh Assoc.,2111 Hoffman NE, Albuq., NM 87110
Marcia Swezy, Inez Neigh Assoc.,2120 Utah St NE., Albuq., NM 87110
Jeffrey Goldberg, Mark Twain Neigh Assoc.,1313 Espanola St NE, Albuq. NM 87110
Olin Kane, Mark Twain Neigh Assoc.,2120 Utah St NE, Albuq., NM 87110
Cynthia Benedict, New Kimo Neigh Assoc., 2407 Cardenas NE, Albuq., NM 87110
Janet Bryant, New Kimo Neigh Assoc.,2434 Valencia NE, Albuq., NM 87110
Pat Drennan, Quigley Park Neigh Assoc.,2925 Madeira Dr. NE., Albuq., NM 87110
Ralph Schulz, Quigley Park Neigh Assoc.,2818 Madeira Dr NE.,Albuq., NM 87110
Robert Peter, Snow Heights Neigh Assoc.,1609 Wisconsin NE., Albuq., NM 87110
Pat Moser, Snow Heights Neigh Assoc.,1417 Rhode Island NE., Albuq., NM 87110
David Campbell, Uptown Assoc.,6100 Uptown NE Ste 500, Albuq., NM 87110
David Kleinfeld, Uptown Assoc.,6121 Indian School Rd NE. Ste 500, Albuq., NM 87110
Mary Wilson, Winrock Villas Conda HOA.,1601 Pennsylvania NE #H-7, Albuq., NM 87110
Marie Collins, Business Mgr.,Winrock Villas Condo HOA.,1601 Pennsylvania Ne Albuq., NM 87110
Thea Hanson, Zuni Neigh Assoc.,7400 Leah Dr NE., Albuq., NM 87110
Carolyn Arashiro, Zuni Neigh Assoc.,7416 Arvada NE., Albuq., NM 87110
Kathie Leyendecker, Coalition of Uptown Neigh Assoc.,6409 Zimmerman NE, Albuq., NM 87110
Frank Burton, 2721 Chama NE, Albuq. NM 87110
John Salazar, P.O. Box 1888, Albuq. NM 87103
Micky Loeb, 9002 Aztec NE, Albuq. NM 87111
Roger LeClerc, 9110 E. Nichas, #200, Englewood, Co. 80112-3405

EPC Reviewed/Approved
10/98



Site Plan - Main Ground Level

1 Scale: 1"=50'-0"

50 0 25 50 100 200

NOTE:
SECOND AND THIRD FLOORS ARE SIMILAR AT 156 PARKING SPACES

RADIUS LEGEND

1	RADIUS = 3'-0"	7	RADIUS = 25'-0"
2	RADIUS = 5'-0"	8	RADIUS = 27'-0"
3	RADIUS = 6'-0"	9	RADIUS = 55'-0"
4	RADIUS = 10'-0"	10	RADIUS = 95'-0"
5	RADIUS = 12'-0"	11	RADIUS = 180'-0"
6	RADIUS = 15'-0"	12	RADIUS = 30'-0"

SITE CALCULATIONS

SITE AREA	9.63 ACRES
PHASE I SITE AREA	7.52 ACRES
VACANT PARCEL SITE AREA	2.11 ACRES
ALLOWABLE BUILDING AREA	
43,560 sf x 7.52 ACRES =	327,572 sf
327,572 sf x 1.5 F.A.R. =	491,358 sf
ALLOWABLE RETAIL AREA	
491,358 sf x .1 =	49,136 sf

"VACANT PARCEL" IS A PART OF THIS SUBMITTAL FOR 'SITE PLAN FOR SUBDIVISION' ONLY.

"VACANT PARCEL" WILL BE SUBMITTED TO CITY PLANNING FOR 'SITE PLAN BUILDING PURPOSES' AT A LATER DATE, AS OUTLINED IN THE UPTOWN SECTOR PLAN.

BUILDING AREAS

THEATER (INCLUDES LOBBY & AUDITORIUMS)	70,000 sf
HOTEL (300 ROOMS)	300,000 sf
RESTAURANT 1	8,500
RESTAURANT 2	10,500
RETAIL 1	26,000
RETAIL 2	12,500
RETAIL 3	5,000 sf
RETAIL 4	4,200 sf
RETAIL 5	2,700 sf
RETAIL 6	2,020 sf
RETAIL 7	2,925 sf
SHOPS (IN THEATER)	6,000 sf
SHOPS	4,725 sf
TOTAL AREA	455,570 sf
TOTAL RETAIL AREA	85,570 sf

PARKING CALCULATIONS

THEATER (4,000 SEATS 2 FLOORS)	
1 CAR/4 SEATS	3,000 SEATS/4 = 750 CARS
HOTEL (300 ROOMS)	1 CAR/ROOM = 300 CARS
RETAIL USES	85,570 sf/300 = 286 CARS
RETAIL 1 THRU 7	
SHOPS BLDG	
REST. 1 & 2	
TOTAL REQUIRED PARKING	1,336 CARS
LESS 15% BUS CREDIT - 1,336 x 85%	1,136 CARS
TOTAL HANDICAP SPACES REQUIRED	23 CARS
TOTAL PARKING PROVIDED	1,136 CARS
TOTAL HANDICAP SPACES PROVIDED	xxx CARS
PARKING PROVIDED THIS LEVEL	xxx CARS

PARKING NOTES

TYPICAL STANDARD SPACES ARE 8'-6" x 18'-0"
TYPICAL SMALL CAR SPACES ARE 7'-6" x 15'-0"
TYPICAL HANDICAP SPACES ARE 8'-0" x 18'-0" WITH A 5' WIDE ACCESS AISLE

ALL SPACES ARE STANDARD SIZE UNLESS O. NOTED.

NOTES

THE TRAFFIC REDUCTION PLAN, AGREED TO BY THE APPLICANT, ENVIRONMENTAL HEALTH DEPARTMENT, TRANSPORTATION DEVELOPMENT DIVISION, CONTAINS ELEMENTS WHICH ARE INTEGRAL TO THE SITE DESIGN, AND IT SHALL BE USED DURING EACH PHASE OF SITE DEVELOPMENT.

PLAZA CALCULATIONS

PLAZA 1	(120 x 100)	= 12,000 sf
PLAZA 2	(30 x 100)	= 12,000 sf
PLAZA 3	(60 x 30)	= 1,800 sf
PLAZA 4	(35 x 120)	= 4,200 sf

UPTOWN SPECTRUM
EPC SUBMITTAL

[illegible] PROPERTIES
A LIMITED LIABILITY COMPANY
[illegible]

GEORGE RANKART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

SITE DEVELOPMENT PLAN

INDIAN SCHOOL ROAD N.E.
R.O.W. 106'

LOUISIANA BLVD. N.E.
R.O.W. VARIES 135'-143'

AMERICAS PARKWAY R.O.W. 86'

RETAIL 1 (26,000 sf)
RETAIL 2 (12,600 sf)
RETAIL 3 (5,000 sf)
RETAIL 4 (4,200 sf)
RETAIL 5 (2,700 sf)
RETAIL 6 (2,020 sf)
RETAIL 7 (2,925 sf)
THEATER
THEATER LOBBY
SHOPS (8,000 sf)
SHOPS (3,225 sf)
PARKING GARAGE (33,431 sf)
PARKING GARAGE 2 (24,268 sf)
RESTAURANT (8,500 sf)
RESTAURANT (10,500 sf)
PLAZA
PLAZA 2
PLAZA 3
VACANT PARCEL
2.11 ACRES
GUARDUNO'S
T.G.I. FRIDAY'S
WINROCK SHOPPING CENTER

Uptown

SITE CALCULATIONS

SITE AREA	9.63 ACRES
PHASE I SITE AREA	7.52 ACRES
VACANT PARCEL SITE AREA	2.11 ACRES

ALLOWABLE BUILDING AREA
43,560 sf x 7.52 ACRES = 327,572 sf min.
327,572 sf x 1.5 F.A.R. = 491,358 sf max.
ALLOWABLE RETAIL AREA
491,358 sf x .1 = 49,136 sf (max 10%).

"VACANT PARCEL" IS A PART OF THIS SUBMITTAL FOR 'SITE PLAN FOR SUBDIVISION' ONLY.

"VACANT PARCEL" WILL BE SUBMITTED TO CITY PLANNING FOR 'SITE PLAN BUILDING PURPOSES' AT A LATER DATE AS OUTLINED IN THE UPTOWN SECTOR PLAN

BUILDING AREAS

THEATER (INCLUDES LOBBY & AUDITORIUM)	70,000 sf
HOTEL (300 ROOMS)	300,000 sf
RESTAURANT 1	8,500 sf
RESTAURANT 2	10,500 sf
RETAIL 1	26,000 sf
RETAIL 2	12,500 sf
RETAIL 3	5,000 sf
RETAIL 4	4,200 sf
RETAIL 5	2,700 sf
RETAIL 6	2,020 sf
RETAIL 7	2,925 sf
SHOPS (IN THEATER)	8,000 sf
SHOPS	3,225 sf
TOTAL AREA	455,570 sf
TOTAL RETAIL AREA	85,570 sf

PARKING CALCULATIONS

THEATER (3,000 SEATS 2 FLOORS)	
1 CAR/4 SEATS	3,000 SEATS/4= 750 CARS
HOTEL (300 ROOMS)	1 CAR/ROOM= 300 CARS
RETAIL USES	85,570 sf/300= 1286 CARS
RETAIL 1 THRU 7 SHOPS BLDG. REST. 1 & 2	
TOTAL REQUIRED PARKING	1,336 CARS
LESS 15% BUS CREDIT - 1,336 x .85=	1,136 CARS
TOTAL HANDICAP SPACES REQUIRED	23 CARS
TOTAL PARKING PROVIDED	1,136 CARS

PARKING NOTES

TYPICAL STANDARD SPACES ARE 8'-6" x 18'-0"
TYPICAL SMALL CAR SPACES ARE 7'-6" x 15'-0"
TYPICAL HANDICAP SPACES ARE 8'-0" x 18'-0" WITH A 5' WIDE ACCESS AISLE

ALL SPACES ARE STANDARD SIZE UNLESS OTHERWISE NOTED.

NOTES

THE TRAFFIC REDUCTION PLAN, AGREED TO BY THE APPLICANT, ENVIRONMENTAL HEALTH DEPARTMENT, TRANSPORTATION DEVELOPMENT DIVISION, CONTAINS ELEMENTS WHICH ARE INTEGRAL TO THE SITE DESIGN, AND IT SHALL BE USED DURING EACH PHASE OF SITE DEVELOPMENT.

PLAZA CALCULATIONS

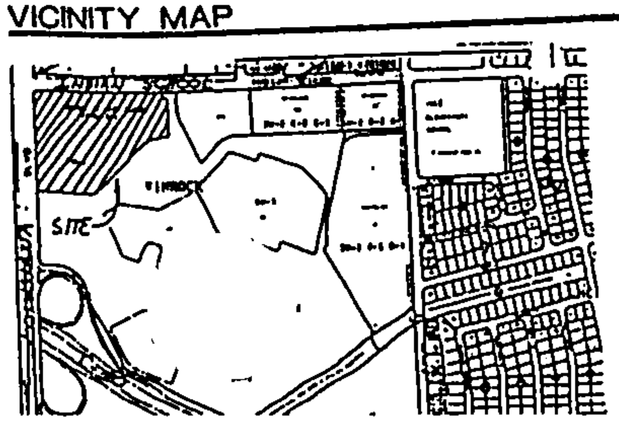
PLAZA 1 (120 x 100)	= 12,000 sf
PLAZA 2 (30 x 100)	= 12,000 sf
PLAZA 3 (60 x 30)	= 1,800 sf
PLAZA 4 (35 x 120)	= 4,200 sf

1 Site Plan - Garage Level
Scale: 1"=50'-0"
50 0 25 50 100 200

RADIUS LEGEND

1	RADIUS = 3'-0"	7	RADIUS = 25'-0"
2	RADIUS = 5'-0"	8	RADIUS = 27'-0"
3	RADIUS = 6'-0"	9	RADIUS = 50'-0"
4	RADIUS = 10'-0"	10	RADIUS = 95'-0"
5	RADIUS = 12'-0"	11	RADIUS = 180'-0"
6	RADIUS = 15'-0"	12	RADIUS = 35'-0"

VICINITY MAP



EPC CASE # _____ DRB CASE # _____

This plan is consistent with the specific site development plan approved by the Environmental Planning Commission (EPC) on _____ and that the findings and conditions in the official Notice/Memorandum of Decision have been complied with.

SITE DEVELOPMENT PLAN

Traffic Engineer, Transportation Division _____ Date

Parks and General Services Department _____ Date

Public Works, Water Utilities Division _____ Date

City Engineer, Engineering Division / AMAFCA _____ Date

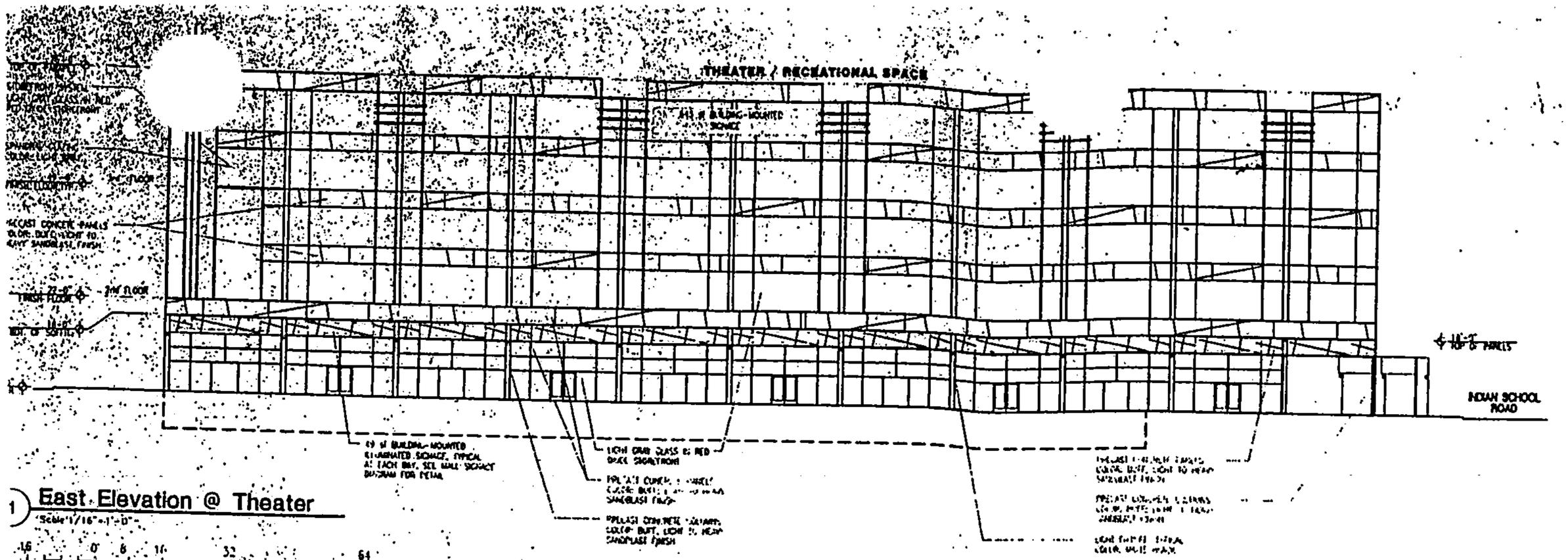
APPROVAL AND CONDITIONAL ACCEPTANCE: as specified by the Development Process Manual.

UPTOWN SPECTRUM
EPC SUBMITTAL

GEORGE RAM
2325 SAN F
ALBUQUERQ
PHONE (505

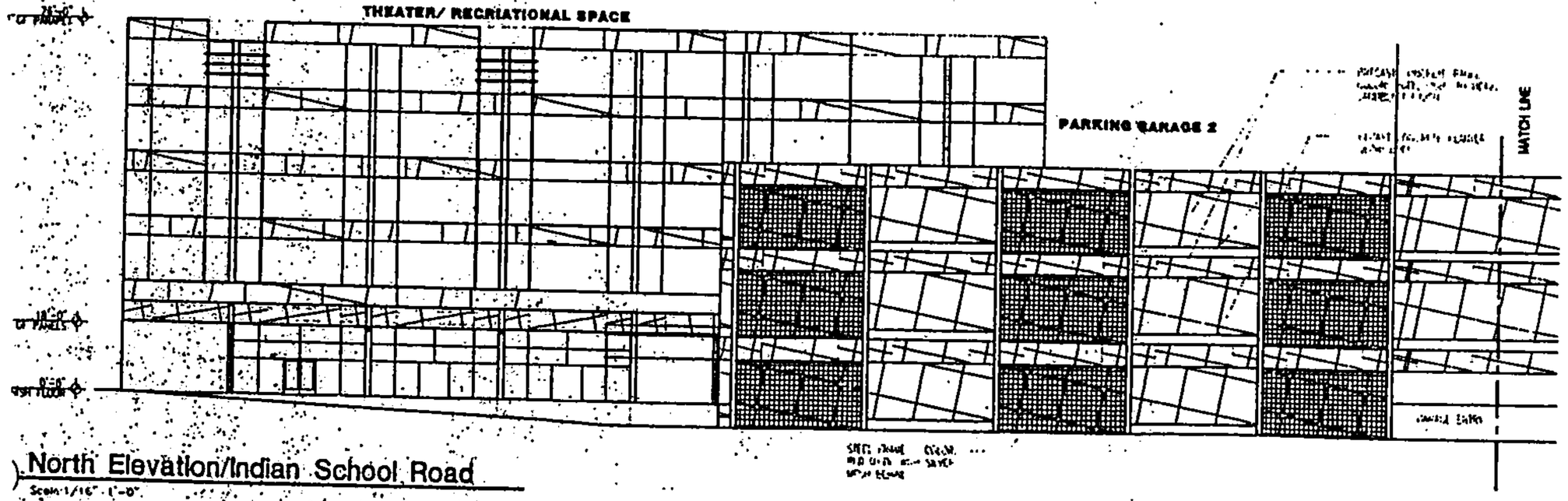
TECT + ASSOCIATES P.C.
2-B
87110
FAX (505) 837-9877

SITE DEVELOPMENT PLAN



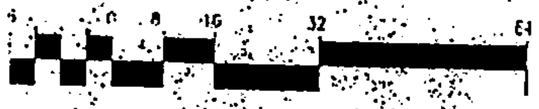
1 East Elevation @ Theater

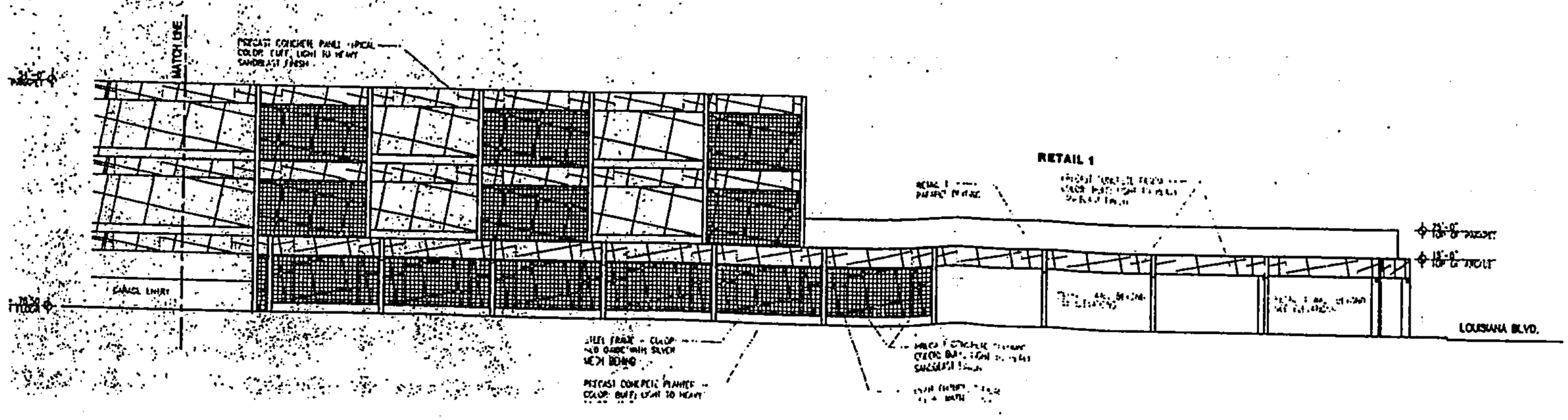
Scale: 1/16" = 1'-0"

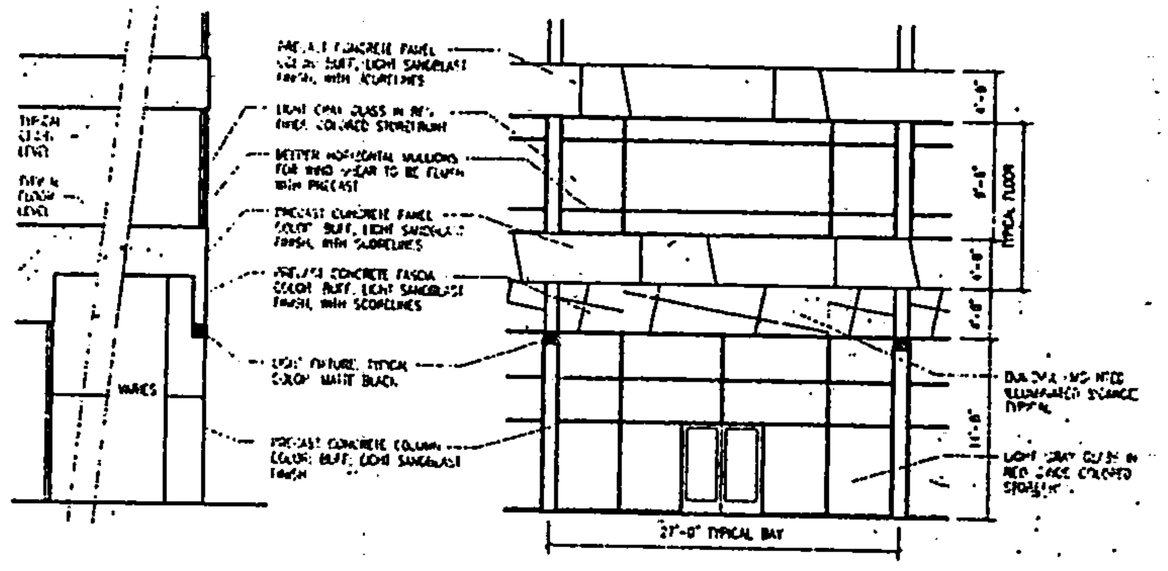


2 North Elevation/Indian School Road

Scale: 1/16" = 1'-0"







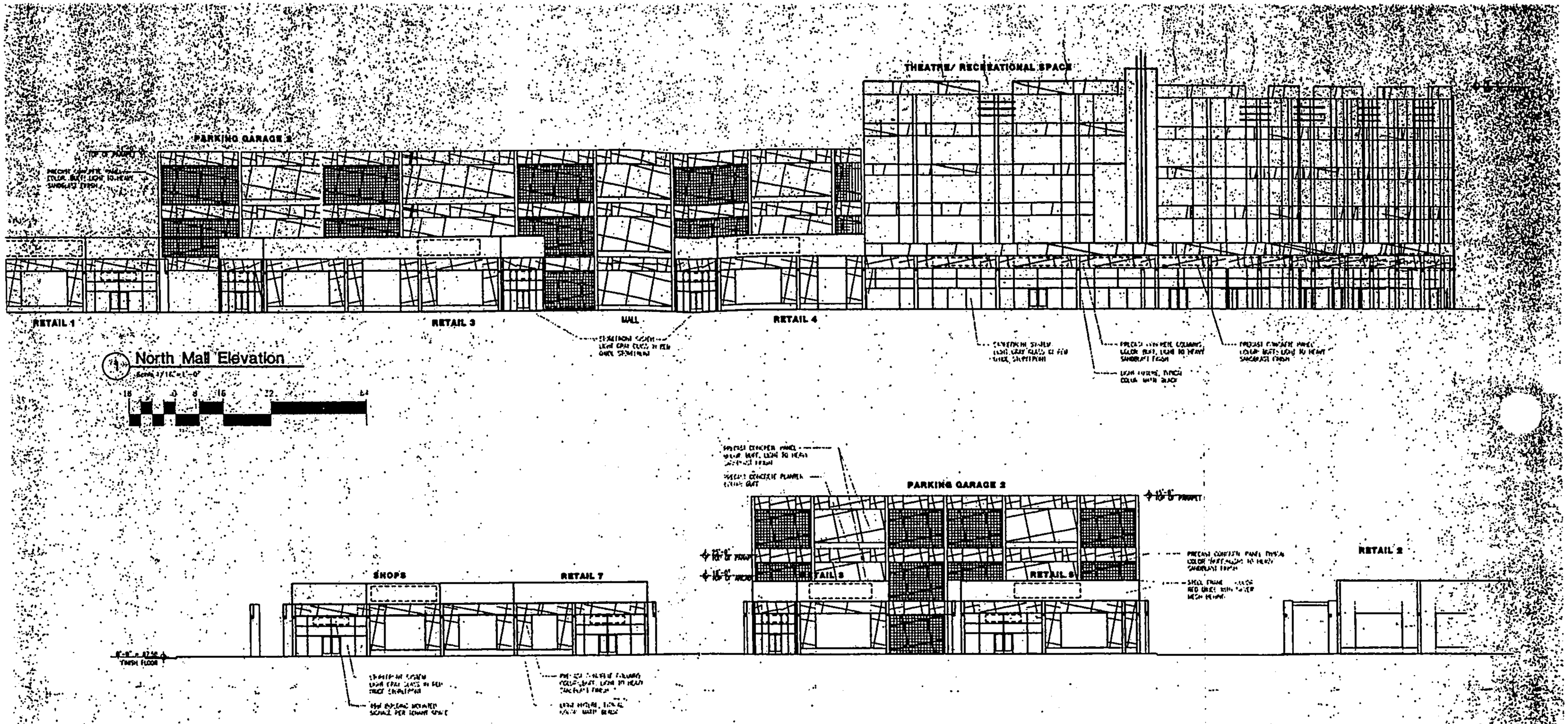
3 Typical Bay and Section

UPTOWN SPECTRUM
EPC SUBMITTAL

TESCH DEVELOPMENT
A LIMITED LIABILITY COMPANY
2444 Louisiana Blvd. Suite 207
Albuquerque, New Mexico 87110

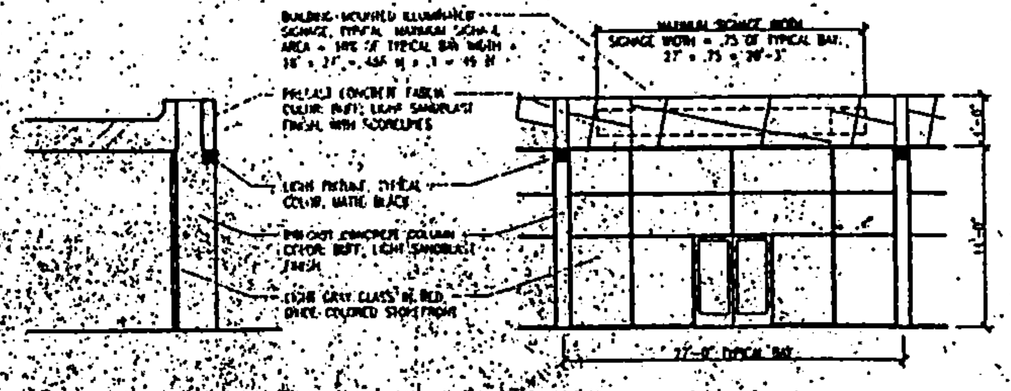
GEORGE RANNART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

THEATER + GARAGE ELEV.



1 North Mall Elevation

2 South Mall Elevation



3 Typical Mall Bay and Section

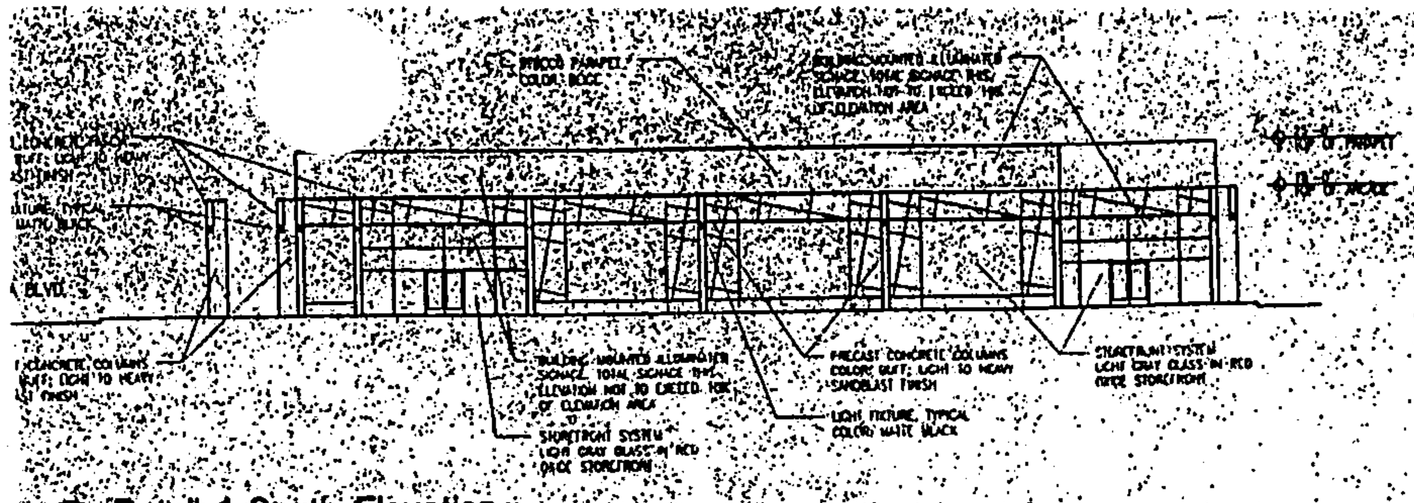
UPTOWN SPECTRUM
EPC SUBMITTAL

TESCH DEVELOPMENT
A LIMITED LIABILITY COMPANY
2444 Louisiana Blvd. Suite 202
Albuquerque, New Mexico 87110

GEORGE RAINHART, ARCHITECT & ASSOCIATES P.C.
2326 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-0877

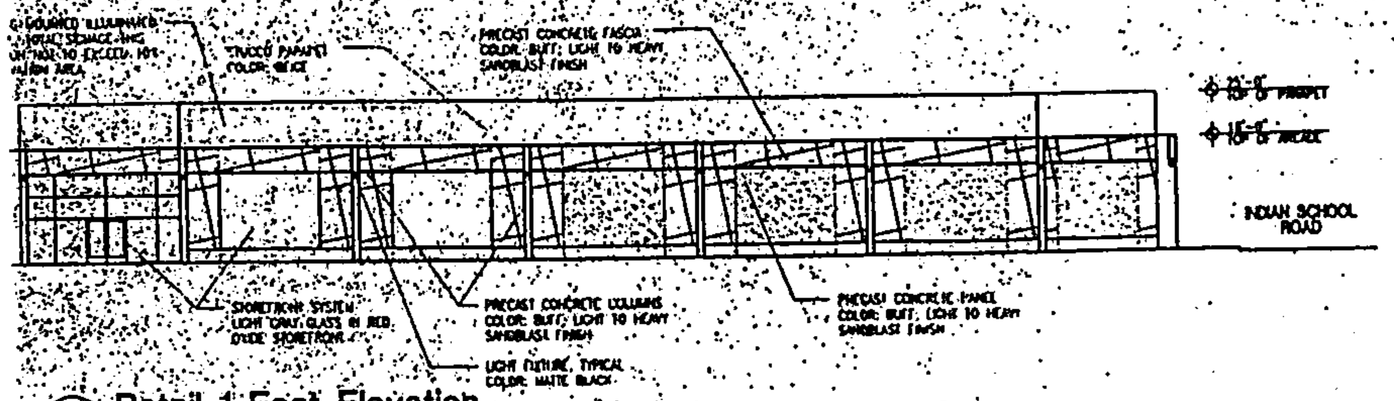
THEATER + RETAIL 5/6/7

28 AUGUST 1998
Sheet 1 of 14



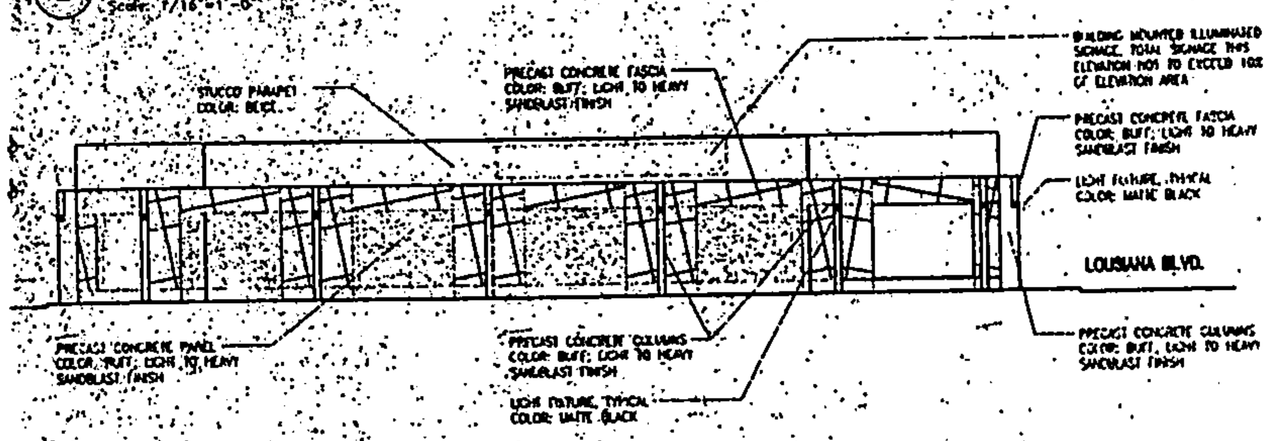
1 Retail 1 South Elevation

Scale: 1/16"=1'-0"



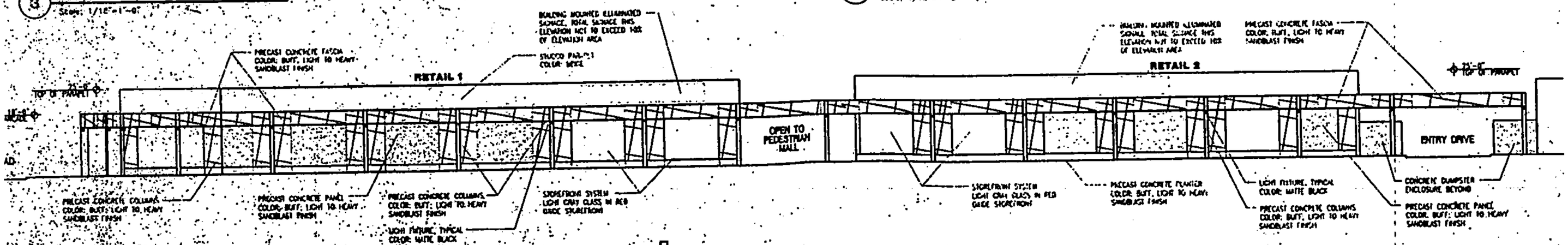
2 Retail 1 East Elevation

Scale: 1/16"=1'-0"



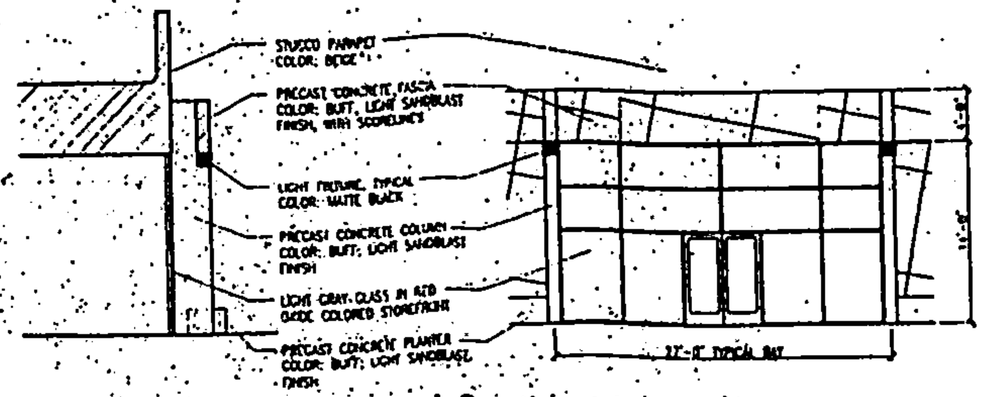
3 Retail 1 North Elevation

Scale: 1/16"=1'-0"



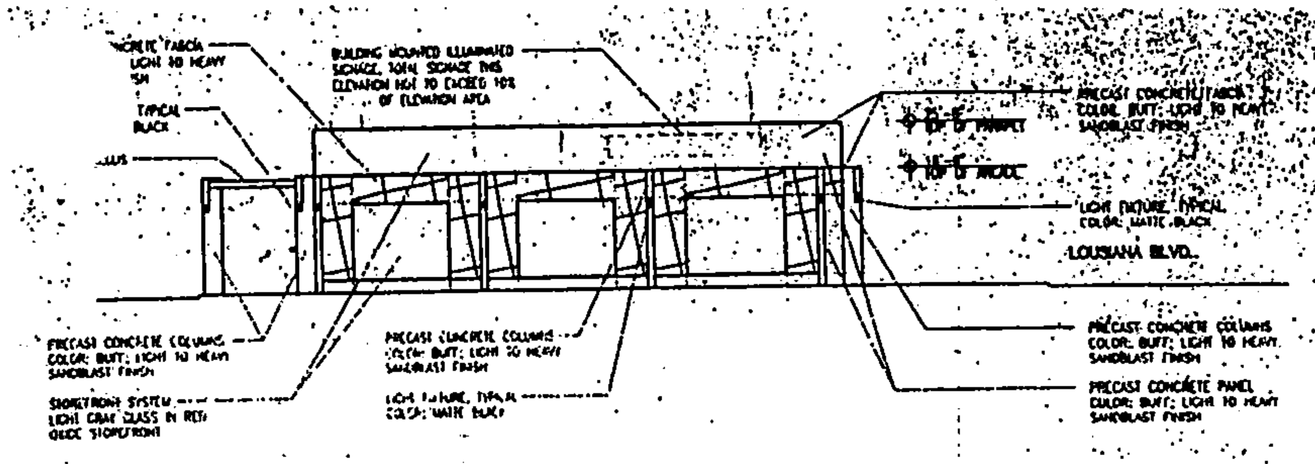
7 Louisiana Blvd. Elevation

Scale: 1/16"=1'-0" Office/Retail 1 and 2 West Elevation



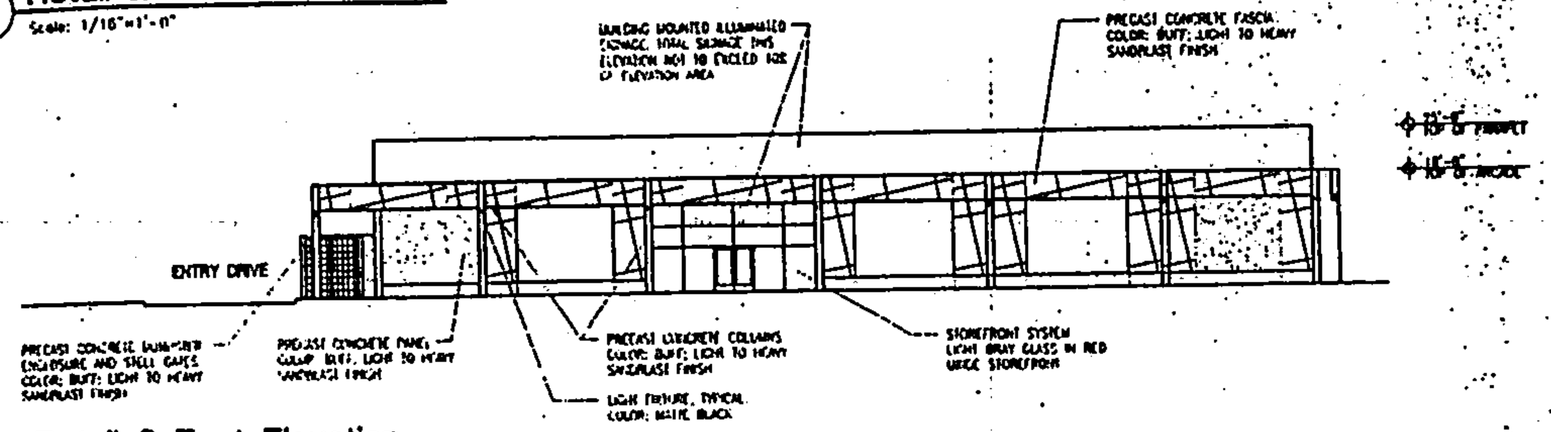
8 Retail 1 & 2 Bay and Section

Scale: 1/8"=1'-0"



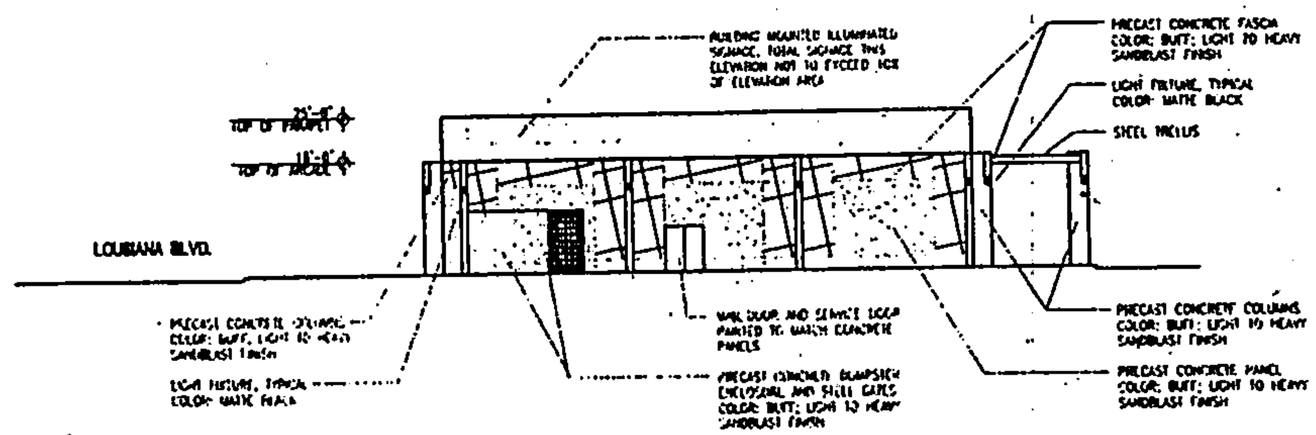
4 Retail 2 North Elevation

Scale: 1/16"=1'-0"



5 Retail 2 East Elevation

Scale: 1/16"=1'-0"



6 Retail 2 South Elevation

Scale: 1/16"=1'-0"

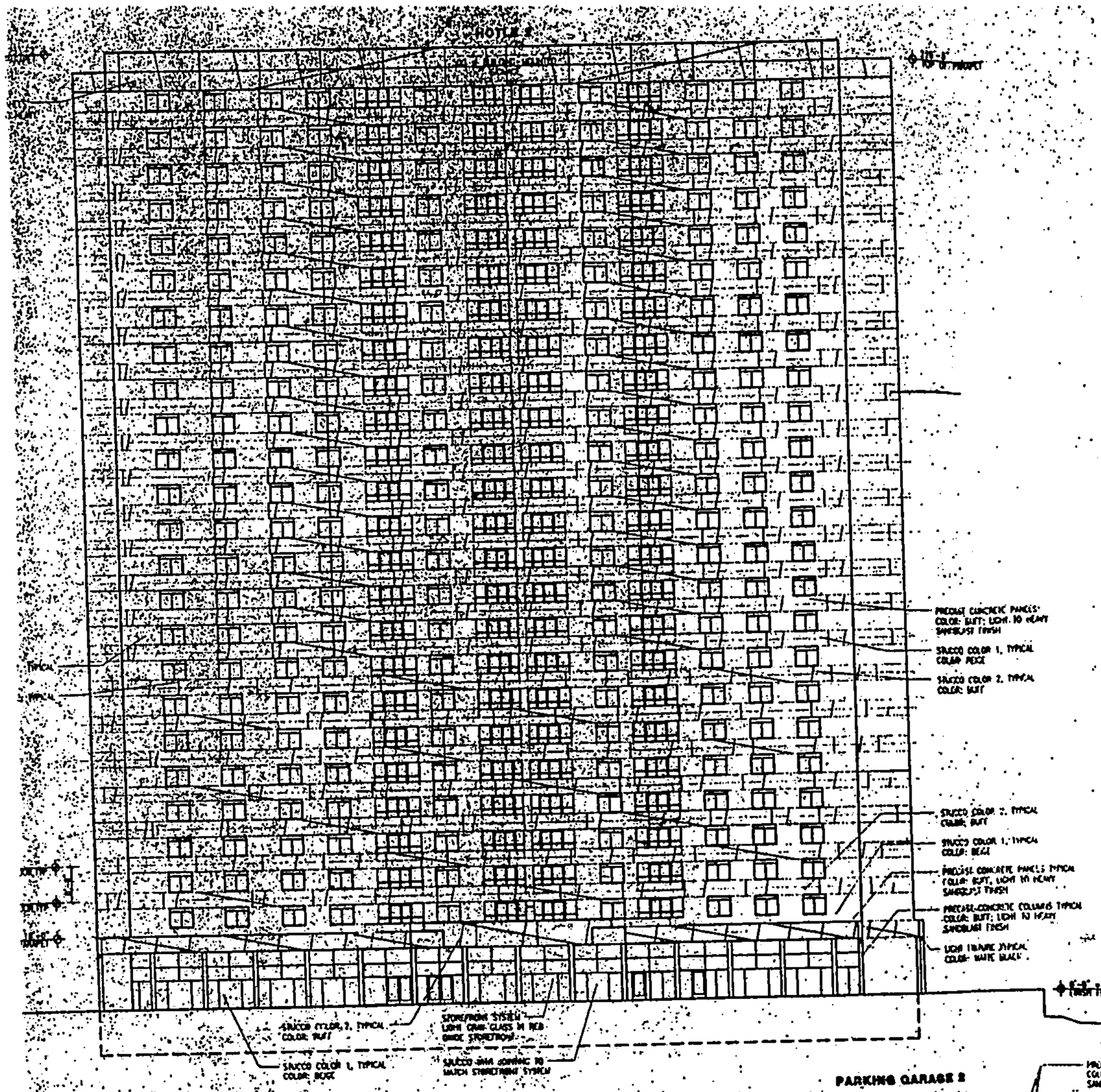
NOTE:
THE ELEVATIONS GIVEN ARE RELATIVE FROM THE 70'-0" "FINISH FLOOR" ELEVATION GIVEN ON EACH ELEVATION AND/OR SECTION, AND DIFFER FROM ONE ANOTHER.

UPTOWN SPECTRU
EPC SUBMITTAL

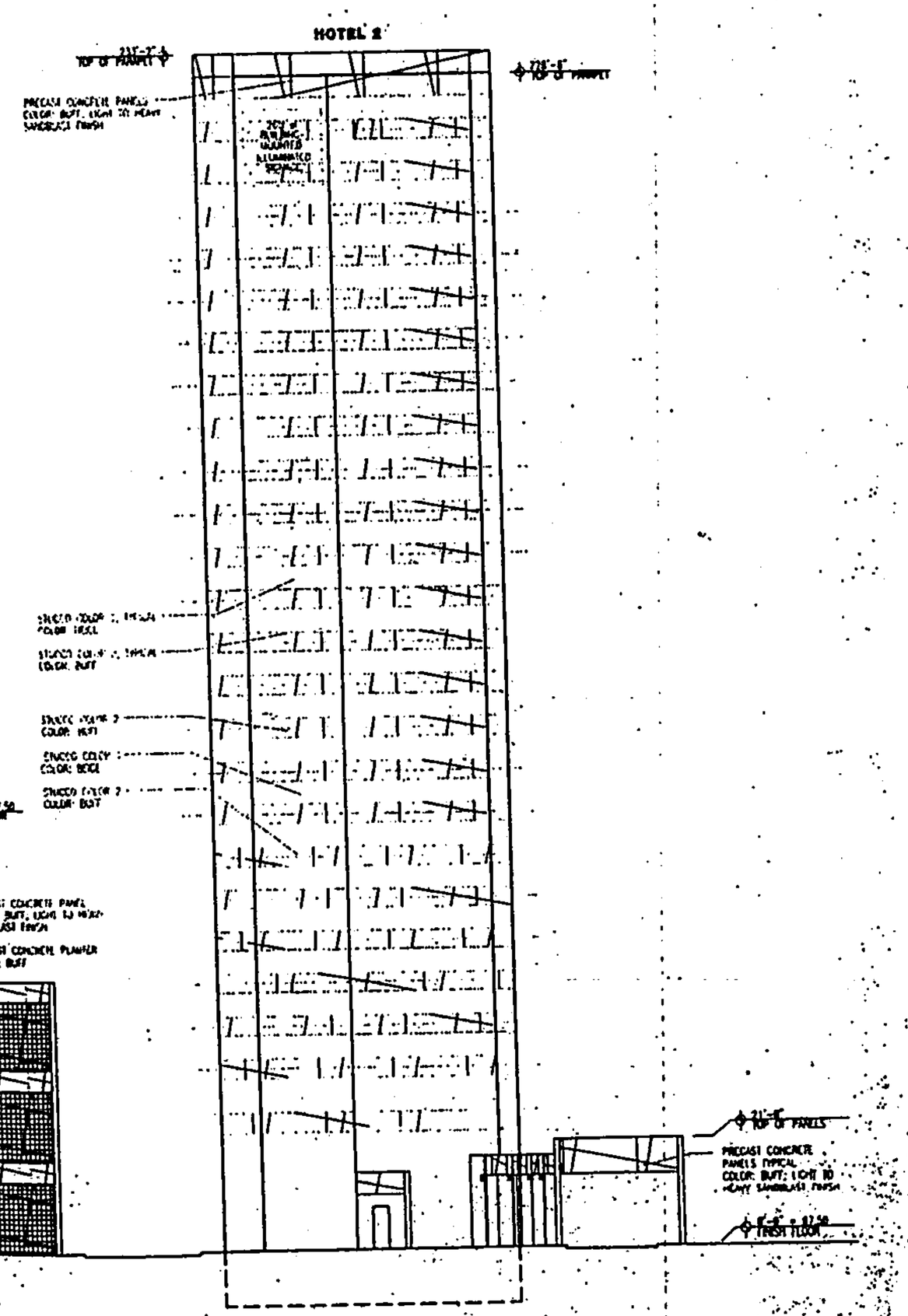
TESCH DEVELOPMENT
A LIMITED LIABILITY COMPA
2444 Louisiana Blvd. Suite
Albuquerque, New Mexico
GEORGE RAINHART, ARCHITECT + ASSOCIATES P.
2328 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-8110 FAX (505) 821-947

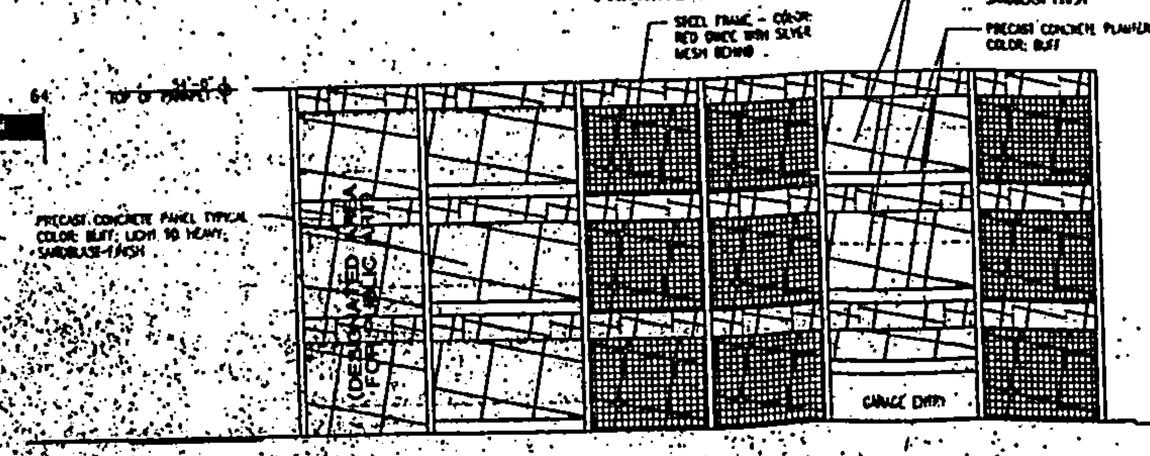
RETAIL 1 + 2 ELEVATION

28 AUGUST



1 West Elevation
Scale: 1/16" = 1'-0"





2 South Elevation
Scale: 1/16" = 1'-0"

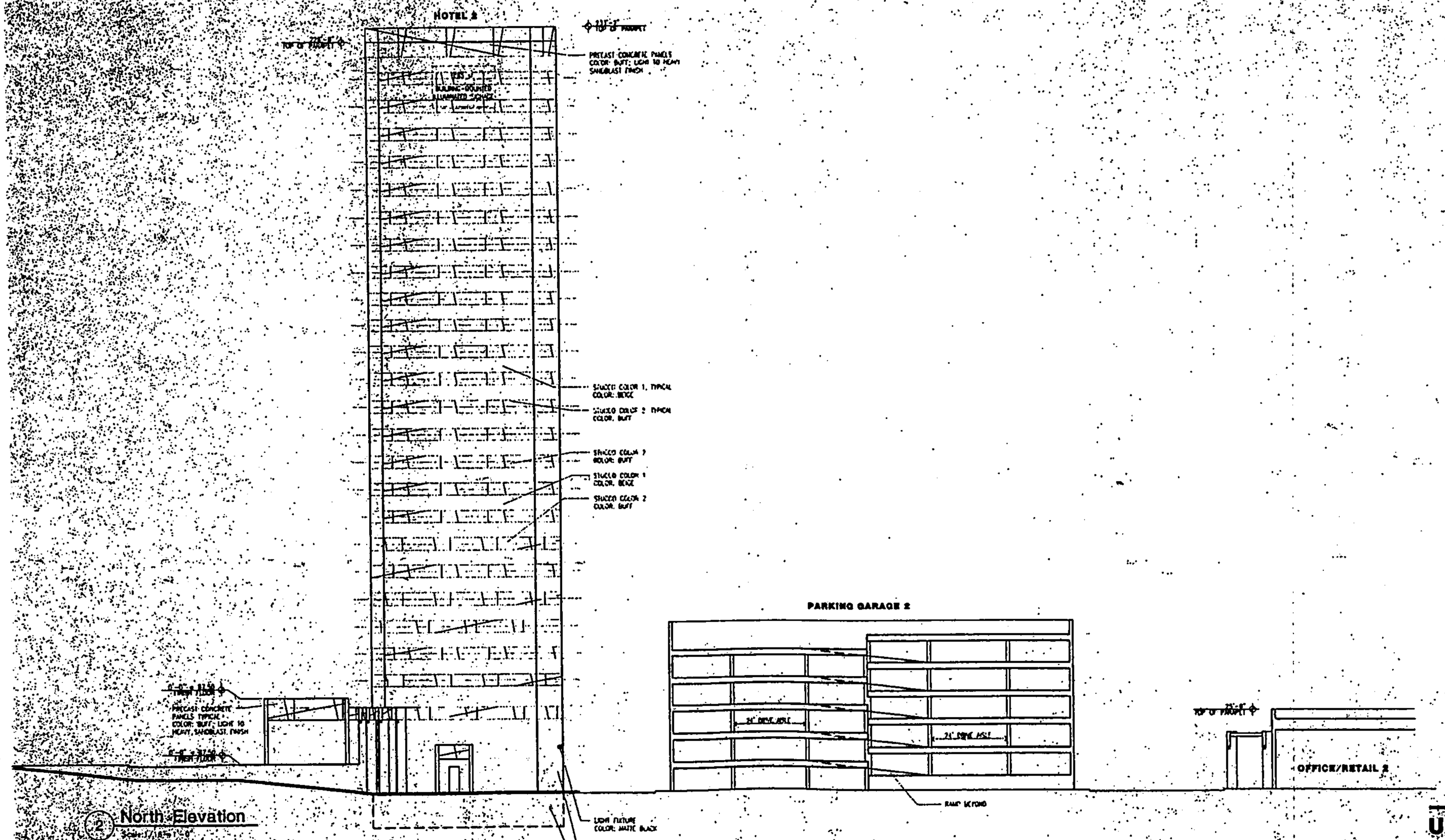
NOTE
THE ELEVATIONS GIVEN ARE RELATIVE FROM THE "0'-0" - FINISH FLOOR" ELEVATION GIVEN ON EACH ELEVATION AND/OR SECTION, AND BUFFER FROM ONE ANOTHER.

UPTOWN SPECTRU
EPC SUBMITTAL

TESCH DEVELOPMENT
TESCH DEVELOPMENT, A LIMITED LIABILITY COM
2444 Louisiana Blvd. Suite
Albuquerque, New Mexico

GEORGE RAINHART, ARCHITECT & ASSOCIATES
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110

HOTEL EVELVATIONS
28 AUGUST



2 North Elevation
Scale: 1/16" = 1'-0"

NOTE:
THE ELEVATIONS GIVEN ARE RELATIVE FROM THE "0'-0" - FINISH FLOOR ELEVATION GIVEN ON EACH ELEVATION AND/OR SECTION, AND DIFFER FROM ONE ANOTHER

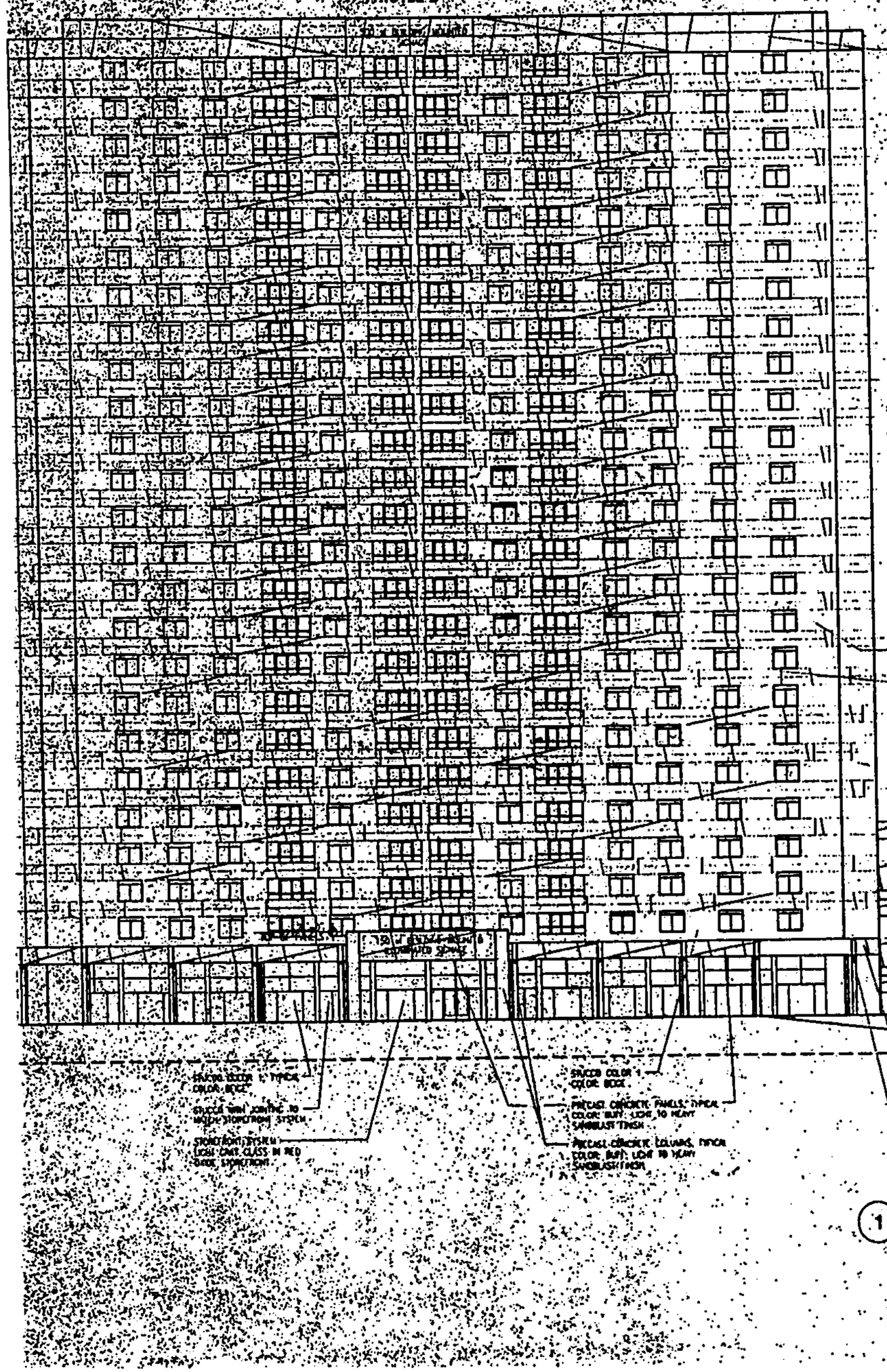
UPTOWN SPECTRUM
EPC SUBMITTAL

TESCH DEVELOPMENT
TESCH DEVELOPMENT
A LIMITED LIABILITY COMPANY
2444 Louisiana Blvd. Suite 207
Albuquerque, New Mexico 87110

GEORGE RAINHART, ARCHITECT & ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9477

HOTEL ELEVATIONS

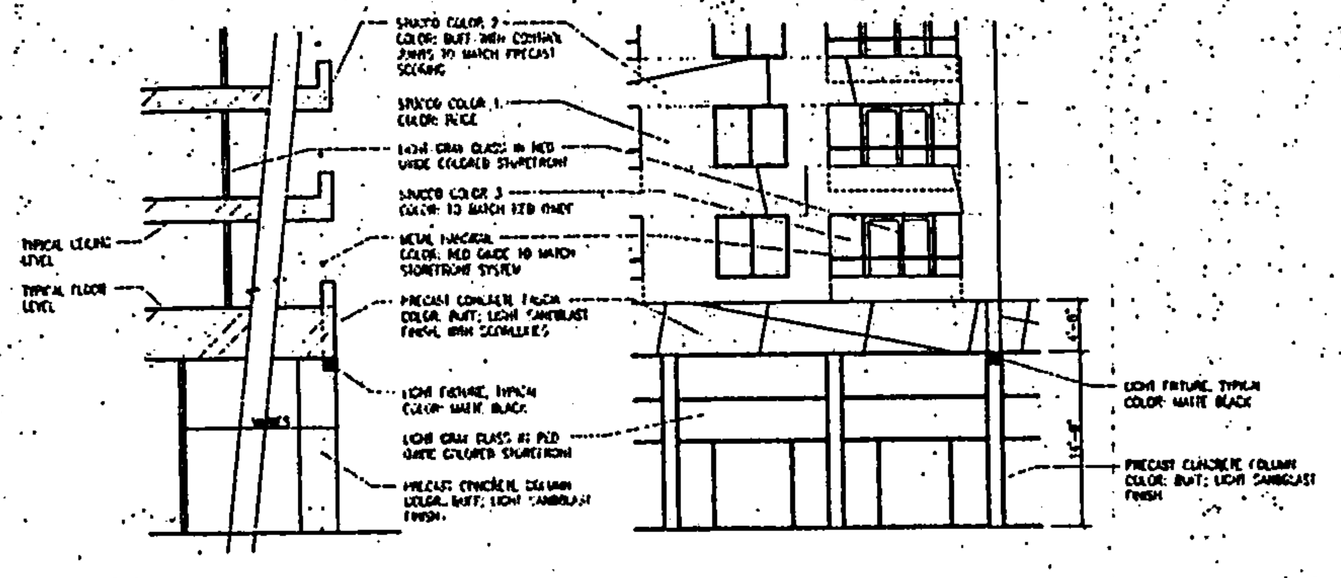
28 AUGUST 1998
sheet 1 of 14



1 East Elevation

Scale: 1/16"=1'-0"

16 0 8 16 32 64



3 Typical Hotel/Office/Condo. Bay and Section

Scale: 1/8"=1'-0"

NOTE:
THE ELEVATIONS GIVEN ARE RELATIVE FROM THE "0'-0" — FINISH FLOOR" ELEVATION GIVEN ON EACH ELEVATION AND/OR SECTION, AND DIFFER FROM ONE ANOTHER.

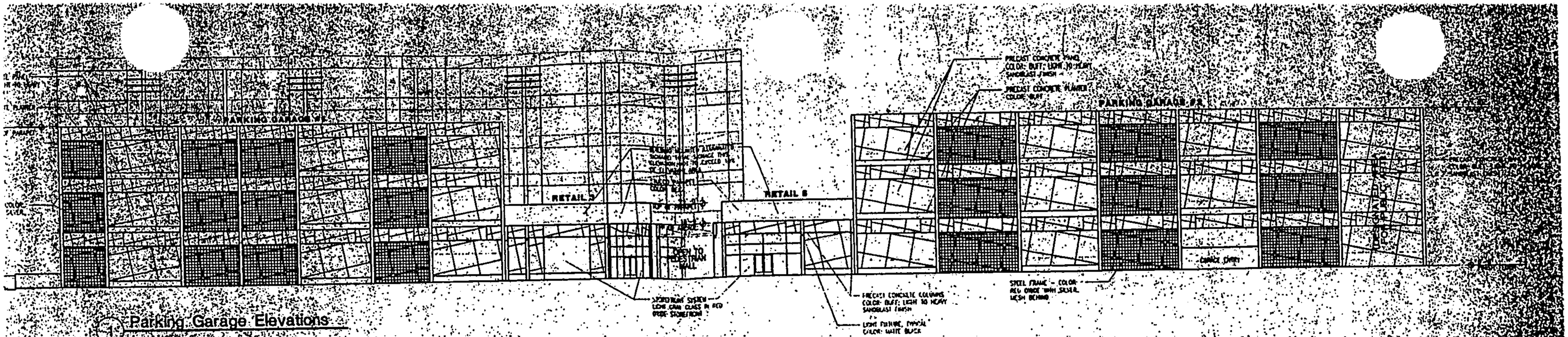
UPTOWN SPECTRUM
EPC SUBMITTAL

TESCH DEVELOPMENT, A LIMITED LIABILITY COMPANY
2424 LOUISIANA BLVD., SUITE 201
ALBUQUERQUE, NEW MEXICO 87110

GEORGE RANKART, ARCHITECT & ASSOCIATES, P.A.
3226 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 883-8110 FAX (505) 881-8114

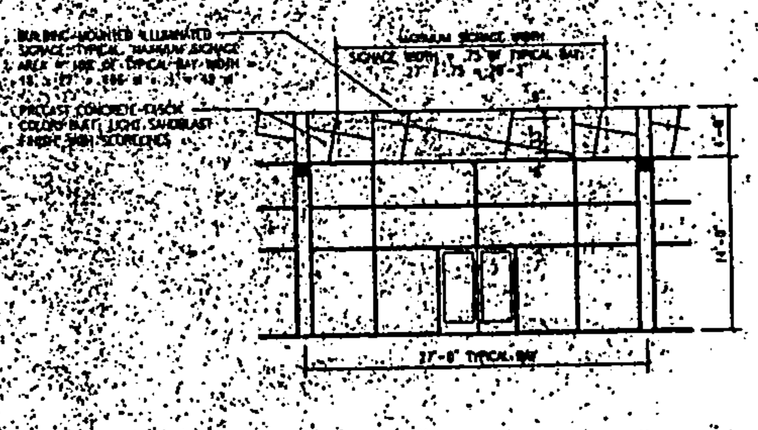
HOTEL ELEVATIONS

28 AUGUST 1985



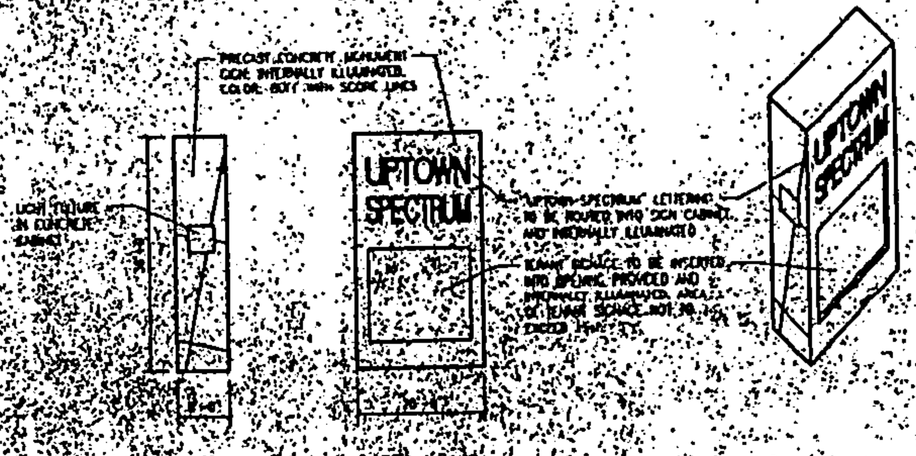
1 Parking Garage Elevations

SCALE: 1/16" = 1'-0"



2 Signage for Mall Shops

SCALE: 1/4" = 1'-0"



3 Monument Signage

SCALE: 1/4" = 1'-0"

SIGNAGE CRITERIA for UPTOWN PLAZA
SIGNS FOR STRUCTURES OTHER THAN THE MALL SHOPS

A. WORDING SHALL BE LIMITED TO THE NAME OF THE USER; HOWEVER, EACH PARTY'S CUSTOMARY SIGNATURE OR LOGO, HALLMARK, WISCHNA, OR OTHER TRADE IDENTIFICATION WILL BE RESPECTED.

B. ALL SIGNS MUST BE INTERNALLY ILLUMINATED, AND CONNECTED TO TENANT'S ELECTRIC SERVICE.

C. LIGHT BOXES WILL NOT BE PERMITTED.

D. SIGNS WITH INDIVIDUALLY ILLUMINATED LETTERS SHOULD HAVE LAMPS OR TUBES ENTIRELY CONCEALED WITHIN THE DEPTH OF THE LETTER WITH TRANSLUCENT PLASTIC FACE WITH NO VISIBLE OPENINGS.

E. REVERSE CHANNEL LETTER SIGNS ARE NOT PERMITTED.

F. SIGNS SHALL NOT PROJECT MORE THE 6" FROM THE FACE OF THE SIGNBAND.

G. NO ANIMATED COMPONENTS, FLASHING LIGHTS, FORMED PLASTIC, OR INJECTION MOLDED PLASTIC SIGNS ARE PERMITTED.

H. THERE SHALL BE NO EXPOSED CONDUITS, TRANSFORMERS, OR OTHER ELECTRICAL CONNECTIONS.

I. BANNERS OR FLAGS ARE NOT PERMITTED.

J. TENANT SHALL NOT INSTALL ANY ROOF TOP SIGNS.

K. LETTERING ON DOORS IN WINDOWS, OR ON SHOW WINDOWS MAY NOT BE ILLUMINATED ON EITHER EXTERIOR OR INTERIOR. SHALL NOT EXCEED 2" IN HEIGHT AND SHALL BE SUBMITTED FOR APPROVAL. EACH TENANT WILL BE PERMITTED TO PLACE UPON EACH ENTRANCE OF ITS LEASED PREMISES NOT MORE THAN 144 SQUARE INCHES (RECTANGLE ENCLOSED EACH GROUP OF LETTERS, SYMBOLS OR LOGOS) OF GOLD LEAF OR DECEL APPLICATIONS LETTERING, NOT TO EXCEED 3" IN HEIGHT, INDICATING HOURS OF BUSINESS, EMERGENCY PHONE NUMBERS, AND ADDRESS AS REQUIRED BY LOCAL AUTHORITIES. NO TEMPORARY OR PERMANENT PAPER SIGNS OR DECALS SHALL BE PERMITTED TO BE APPLIED TO THE INTERIOR OR EXTERIOR FACES OF THE STOREFRONT GLASS OR OTHER STOREFRONT MATERIALS.

L. MAXIMUM SIZE OF INDIVIDUAL LETTERS AREA AS FOLLOWS (SEE ATTACHED EXHIBIT)
- 72" FOR CAPITALS ABOVE 30'
- 60" FOR CAPITALS BELOW 30'
- 48" FOR LOWER CASE ABOVE 30'.
- 36" FOR LOWER CASE BELOW 30'.

M. SEE PLANS FOR MAXIMUM OVERALL SIGN SIZE

SIGNAGE NOTES

A. NO ILLUMINATED SIGNAGE IS PERMITTED ON THE EAST BUILDING FACADES FROM 30' ABOVE FINISH GRADE TO THE UPPERMOST BUILDING ELEVATION

SIGNAGE CRITERIA for UPTOWN PLAZA
SIGNS FOR THE MALL SHOPS

A. WORDING SHALL BE LIMITED TO THE NAME OF THE USER; HOWEVER, EACH PARTY'S CUSTOMARY SIGNATURE OR LOGO, HALLMARK, WISCHNA, OR OTHER TRADE IDENTIFICATION WILL BE RESPECTED.

B. ALL SIGNS MUST BE COMPATIBLE TO COLOR AND MATERIALS OF TENANT'S STOREFRONT.

C. ALL SIGNS MUST BE INTERNALLY ILLUMINATED, AND CONNECTED TO TENANT'S ELECTRIC SERVICE.

D. LIGHT BOXES WILL NOT BE PERMITTED.

E. SIGNS WITH INDIVIDUALLY ILLUMINATED LETTERS SHOULD HAVE LAMPS OR TUBES ENTIRELY CONCEALED WITHIN THE DEPTH OF THE LETTER WITH TRANSLUCENT PLASTIC FACE WITH NO VISIBLE OPENINGS.

F. REVERSE CHANNEL LETTER SIGNS ARE NOT PERMITTED.

G. SIGNS SHALL NOT PROJECT MORE THE 6" FROM THE FACE OF THE SIGNBAND.

H. NO ANIMATED COMPONENTS, FLASHING LIGHTS, FORMED PLASTIC, OR INJECTION MOLDED PLASTIC SIGNS ARE PERMITTED.

I. EXCEPT AS OTHERWISE APPROVED BY LANDLORD, ONLY ONE SIGN PER TENANT WILL BE PERMITTED

J. THERE SHALL BE NO EXPOSED CONDUITS, TRANSFORMERS, OR OTHER ELECTRICAL CONNECTIONS.

K. BANNERS OR FLAGS ARE NOT PERMITTED.

L. TENANT SHALL NOT INSTALL ANY ROOF TOP SIGNS.

M. LETTERING ON DOORS IN WINDOWS, OR ON SHOW WINDOWS MAY NOT BE ILLUMINATED ON EITHER EXTERIOR OR INTERIOR. SHALL NOT EXCEED 2" IN HEIGHT AND SHALL BE SUBMITTED FOR APPROVAL. EACH TENANT WILL BE PERMITTED TO PLACE UPON EACH ENTRANCE OF ITS LEASED PREMISES NOT MORE THAN 144 SQUARE INCHES (RECTANGLE ENCLOSED EACH GROUP OF LETTERS, SYMBOLS OR LOGOS) OF GOLD LEAF OR DECEL APPLICATIONS LETTERING, NOT TO EXCEED 3" IN HEIGHT, INDICATING HOURS OF BUSINESS, EMERGENCY PHONE NUMBERS, AND ADDRESS AS REQUIRED BY LOCAL AUTHORITIES. NO TEMPORARY OR PERMANENT PAPER SIGNS OR DECALS SHALL BE PERMITTED TO BE APPLIED TO THE INTERIOR OR EXTERIOR FACES OF THE STOREFRONT GLASS OR OTHER STOREFRONT MATERIALS.

N. TENANT SIGNS SHALL NOT EXCEED SEVENTY-FIVE PERCENT (75%) OF THE TENANT'S FOOTAGE IN LENGTH. LETTERS SHALL CONFORM TO THE FOLLOWING MAXIMUM SIZES;

- 33" FOR CAPITALS
- 24" FOR LOWER CASE
- 5" LETTER DEPTH
- 1 1/2" MINIMUM STROKE

O. SEE PLANS FOR MAXIMUM OVERALL SIGN SIZE.

NOTE:
THE ELEVATIONS GIVEN ARE RELATIVE FROM THE "0'-0" = FINISH FLOOR" ELEVATION GIVEN ON EACH ELEVATION AND/OR SECTION, AND DIFFER FROM ONE ANOTHER.

UPTOWN SPECTRUM
EPC SUBMITTAL

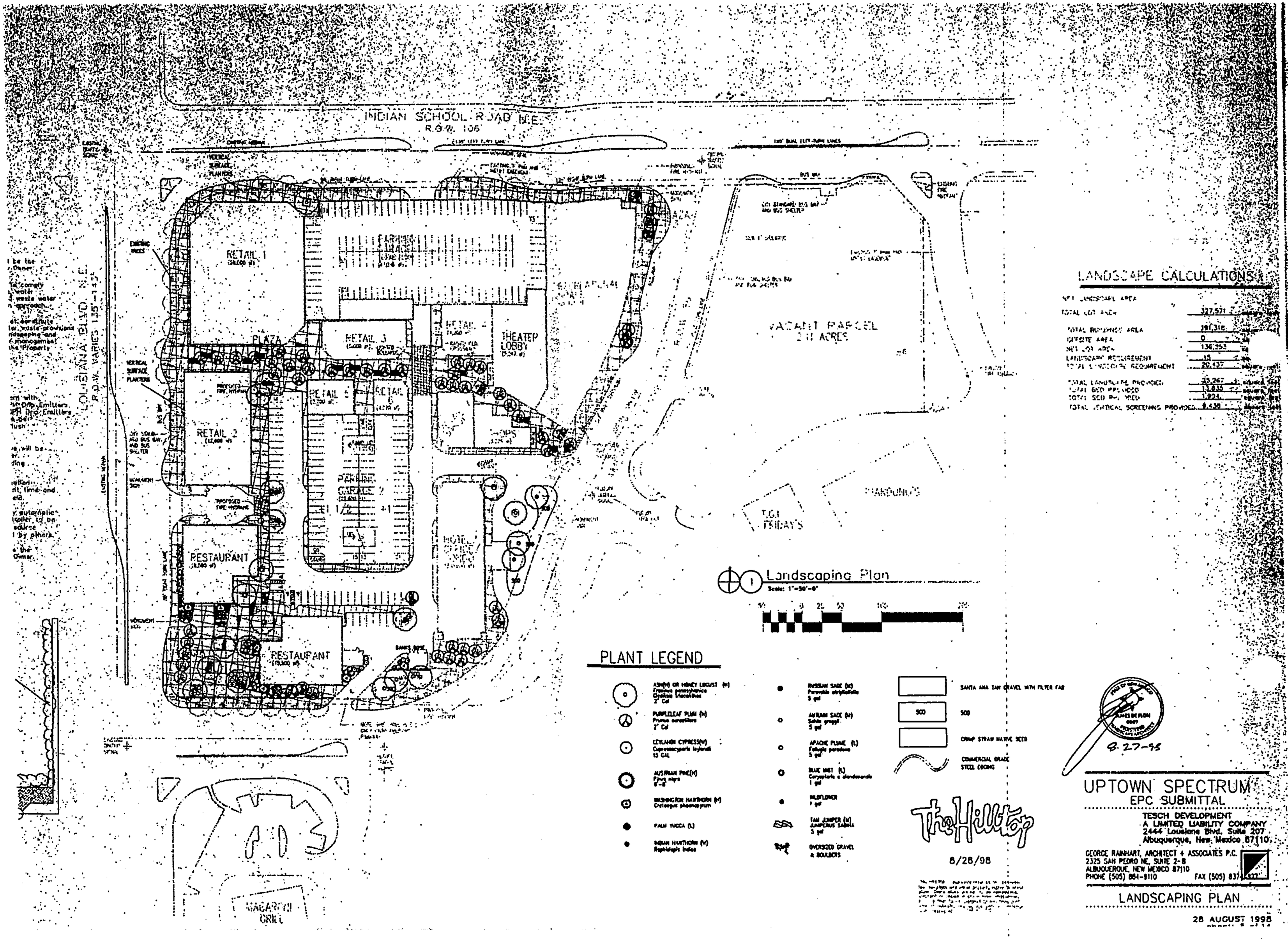
TESCH DEVELOPMENT
A LIMITED LIABILITY COMPANY
7444 LOUISIANA BLVD NE
ALBUQUERQUE, NEW MEXICO 87109

DESIGN ALLIANCE ARCHITECTS & ASSOCIATES
2315 SAN PEDRO NE, SUITE A-1
ALBUQUERQUE, NEW MEXICO 87110
PHONE 505 884-3110 FAX 505 884-3111

PARKING GARAGE ELEVS

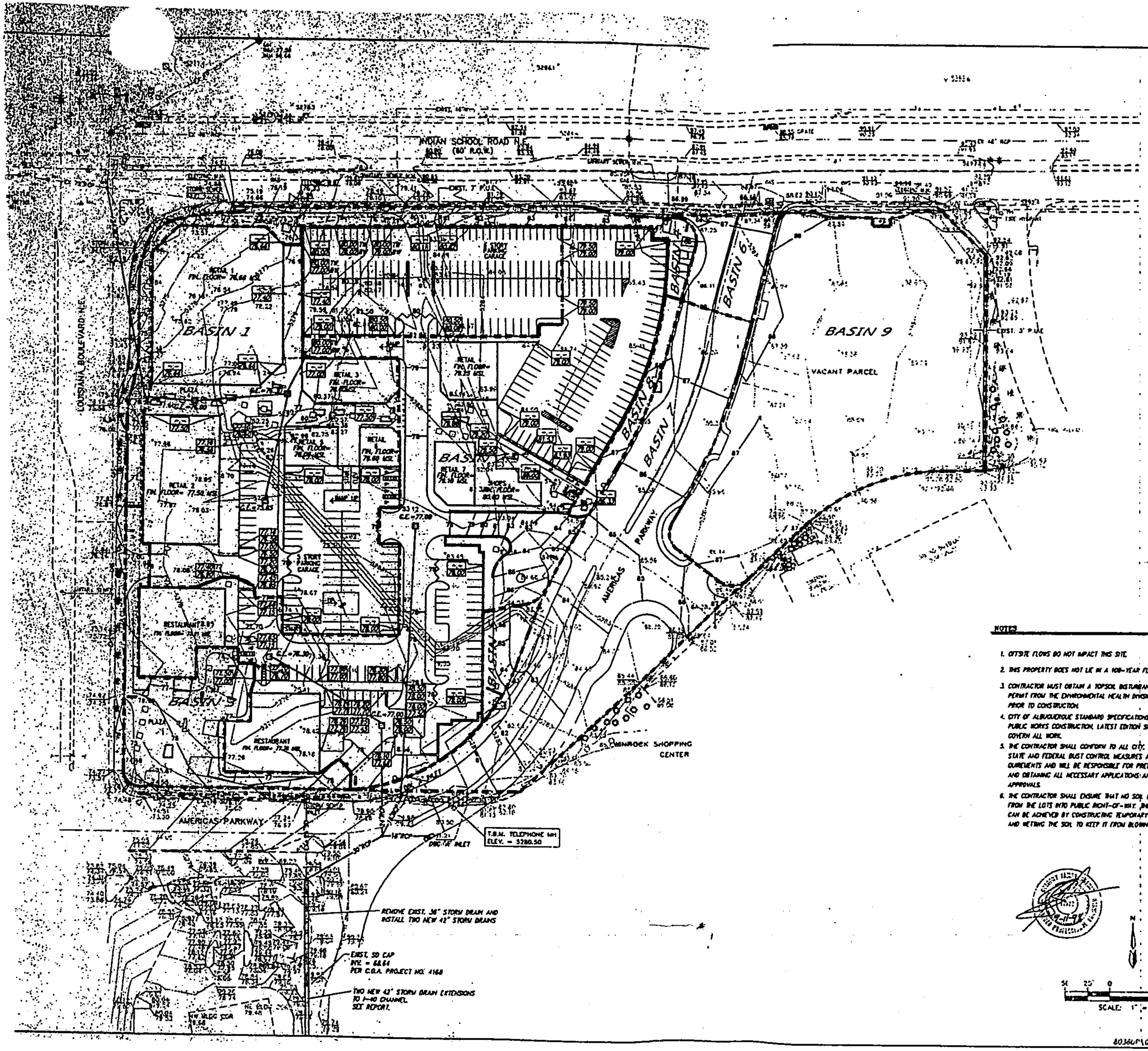
28 AUGUST 1998

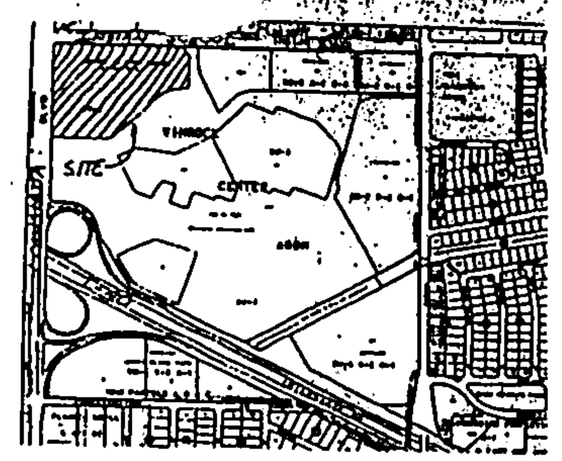
sheet 1 of 2



LANDSCAPE CALCULATIONS

NET LANDSCAPE AREA		
TOTAL LOT AREA	327,571	square feet
TOTAL BUILDINGS AREA	191,318	square feet
OFFSITE AREA	0	sq
NET LOT AREA	136,253	sq
LANDSCAPE REQUIREMENT	15	sq
TOTAL LANDSCAPE REQUIREMENT	20,437	square feet
TOTAL LANDSCAPE PROVIDED	25,267	square feet
TOTAL BED PROVIDED	13,835	square feet
TOTAL SOD PROVIDED	1,994	square feet
TOTAL VERTICAL SCREENING PROVIDED	9,438	square feet





VICINITY MAP ZONE MAP: J-16-

TBM (TEMPORARY BENCHMARK)

TELEPHONE MANHOLE RIM AT THE S.E. CORNER OF SITE
ELEV. = 5280.50

ACS BENCHMARK

THE STATION IS LOCATED 4.8 MILES NORTHWEST OF DOWNTOWN ALBUQUERQUE AT THE INTERCHANGE OF I-40 & LOUISIANA BLVD. THE STATION MARK IS A STANDARD N.M.S.H.D. BRASS TABLET, STAMPED "STA. I-40-7, 1969", SET IN TOP OF A CONCRETE POST FLUSH WITH GROUND.
X = 404,826.08
Y = 1,490,692.58
Z = 5296.870

LEGAL DESCRIPTION

A PORTION OF TRACT A, WINROCK CENTER ADDITION.

NOTES

1. OFFSITE FLOWS DO NOT IMPACT THIS SITE.
2. THIS PROPERTY DOES NOT LIE IN A 100-YEAR FLOOD PLAIN.
3. CONTRACTOR MUST OBTAIN A TOPSOIL DISTURBANCE PERMIT FROM THE ENVIRONMENTAL HEALTH DIVISION PRIOR TO CONSTRUCTION.
4. CITY OF ALBUQUERQUE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION SHALL GOVERN ALL WORK.
5. THE CONTRACTOR SHALL CONFORM TO ALL CITY, COUNTY, STATE AND FEDERAL DUST CONTROL MEASURES AND REQUIREMENTS AND WILL BE RESPONSIBLE FOR PREPARING AND OBTAINING ALL NECESSARY APPLICATIONS AND APPROVALS.
6. THE CONTRACTOR SHALL ENSURE THAT NO SOIL ERODES FROM THE LOTS INTO PUBLIC RIGHT-OF-WAY. THIS CAN BE ACHIEVED BY CONSTRUCTING TEMPORARY BERMS AND WETTING THE SOIL TO KEEP IT FROM BLOWING.

LEGEND

	PROPERTY LINE
80	NEW CONTOUR
	WATER BLOCK
	NEW RETAINING WALL
FF = 5278.70	NEW FINISHED FLOOR ELEV
80.00 TW / 78.00 BW	NEW RETAINING WALL TOP & BOTTOM ELEVATION
77.80 / 77.30	NEW S. GR
	NEW SCD "B" DROP INLET
	FLOW LEADER
	EXISTING CONTOUR
5356	EXISTING SPOT ELEVATION
	DRAINAGE BASIN BOUNDARY
BASIN 1	DRAINAGE BASIN DESIGNATION

SCALE: 1" = 50'

UPTOWN SPECTRUM

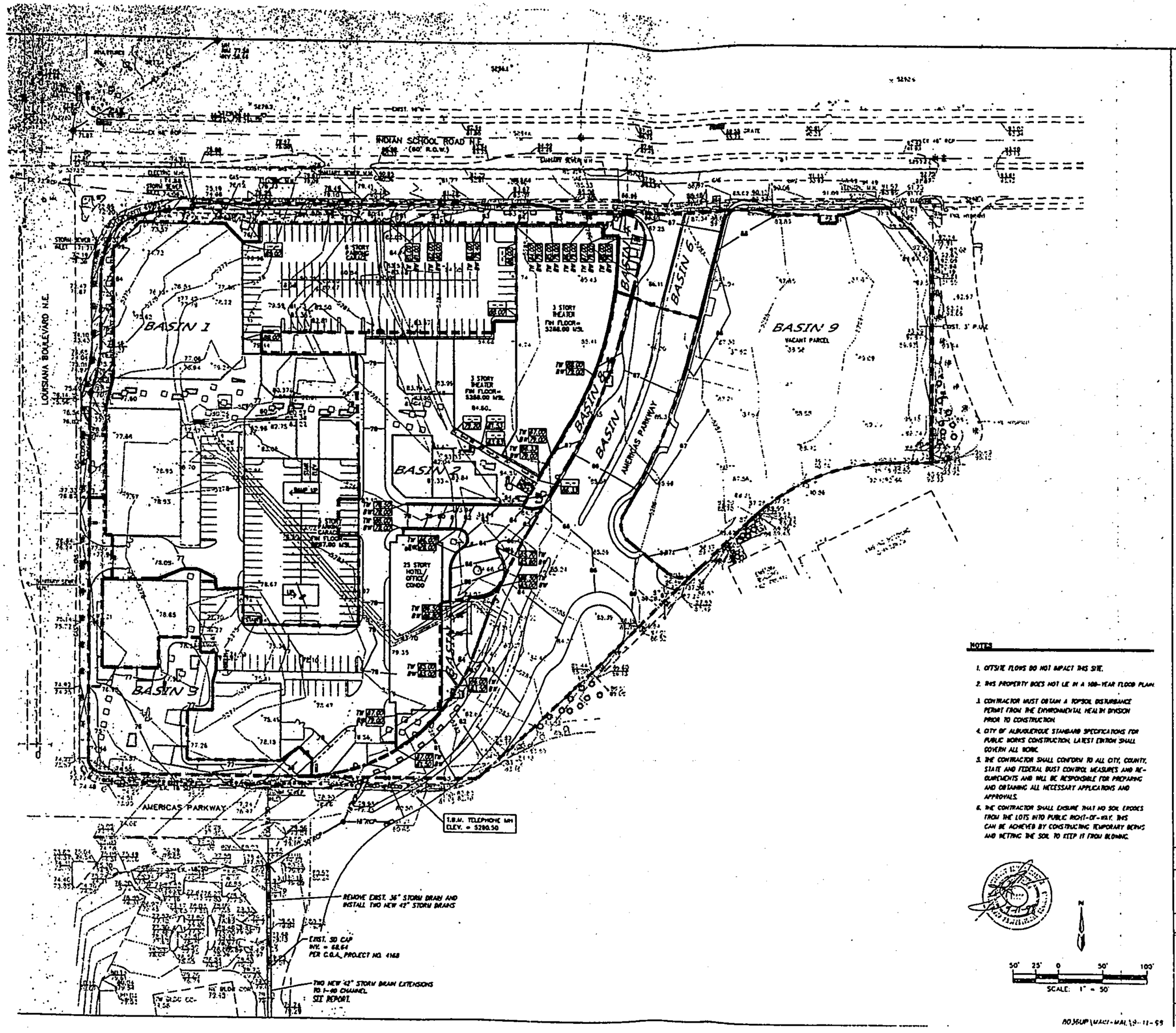
CONCEPTUAL GRADING & DRAINAGE PLAN

MALL/GARAGE LEVEL

MARK GOODWIN & ASSOCIATES, P.A.
CONSULTING ENGINEERS
P.O. BOX 90606
ALBUQUERQUE, NEW MEXICO 8719
(505)828-2200, FAX (505)797-9

Designed: GJK	Drawn: tsm	Checked: DMG	Sheet 1
Scale 1" = 50'	Date: 8/98	Job: 95036	

80360P\GARAGE\9-11-98



NOTES

1. OFFSITE FLOWS DO NOT IMPACT THIS SITE.
2. THIS PROPERTY DOES NOT LIE IN A 100-YEAR FLOOD PLAIN.
3. CONTRACTOR MUST OBTAIN A TOPSOIL DISTURBANCE PERMIT FROM THE ENVIRONMENTAL HEALTH DIVISION PRIOR TO CONSTRUCTION.
4. CITY OF ALBUQUERQUE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, LATEST EDITION SHALL GOVERN ALL WORK.
5. THE CONTRACTOR SHALL CONFORM TO ALL CITY, COUNTY, STATE AND FEDERAL DUST CONTROL MEASURES AND REQUIREMENTS AND WILL BE RESPONSIBLE FOR PREPARING AND OBTAINING ALL NECESSARY APPLICATIONS AND APPROVALS.
6. THE CONTRACTOR SHALL ENSURE THAT NO SOIL ERODES FROM THE LOTS INTO PUBLIC RIGHT-OF-WAY. THIS CAN BE ACHIEVED BY CONSTRUCTING TEMPORARY BERMS AND WETTING THE SOIL TO KEEP IT FROM BLOWING.

N

50' 25' 0 50' 100'

SCALE: 1" = 50'

8036UP\MAIN-MAL\9-11-99

T B M (TEMPORARY BENCHMARK)

TELEPHONE MANHOLE RIM AT THE S.E. CORNER OF SITE IN AMERICAS PARKWAY. ELEV. = 5280.50

A C S BENCHMARK

THE STATION IS LOCATED 4.8 MILES NORTHWEST OF DOWNTOWN ALBUQUERQUE, AT THE HWY. I-40 & LOUISIANA BLVD. INTERCHANGE. THE STATION MARK IS A STANDARD N.M.S.H.C. BRASS TABLET, STAMPED "STA. I-40-7, 1969", SET IN TOP OF A CONCRETE POST FLUSH WITH GROUND.
X = 404,826.06
Y = 1,490,699.59
Z = 5296.870

LEGAL DESCRIPTION

A PORTION OF TRACT A, WINROCK CENTER ADDITION.

LEGEND

	PROPERTY LINE
80	NEW CONTOUR
	WATER BLOCK
	NEW RETAINING WALL
FF = 5278.70	NEW FINISHED FLOOR ELEVATION
80.00 TW / 78.00 BW	NEW RETAINING WALL TOP & BOTTOM ELEVATION
77.80 / 77.30	NEW SPOT ELEVATION
	NEW SCL. "D" DA
	FLOW LEADER
	EXISTING CONTOUR
	EXISTING SPOT ELEVATION
	DRAINAGE BASIN BOUNDARY
BASIN 1	DRAINAGE BASIN DESIGNATION

UPTOWN SPECTRUM

CONCEPTUAL GRADING & DRAINAGE PLAN

THEATER/HOTEL LEVEL

dmg
MARK GOODWIN & ASSOCIATES, P.A.
CONSULTING ENGINEERS
P.O. BOX 90606
ALBUQUERQUE, NEW MEXICO 87199
(505)828-2200, FAX (505)797-9539

Designed: GJK	Drawn: fsm	Checked: DMG	Sheet 2 of 2
Scale 1" = 50'	Date 8/98	Job 98036	

Conditions of Approval

1. Comply with Transportation Development Division comments.

A. All landscaping, perimeter walls, and signage shall be designed and maintained to ensure adequate sight distance for motorists, bicyclists, and pedestrians at all driveways and intersections. Landscaping within sight distance triangles shall not exceed 3 feet in height. Trees within sight distance triangles shall be pruned to maintain a minimum clear trunk height of 8 feet.

B. Landscaping adjacent to Uptown Loop shall not exceed 3 feet in height.

C. The owner/developer shall be responsible for the maintenance of all landscaping within the Uptown Loop right-of-way. Landscaping shall not interfere with sight distance for motorists, bicyclists, or pedestrians.

D. Prior to issuance of building permits, the owner/developer shall submit a detailed landscape plan for review and approval by the Planning Department and the Transportation Development Division. The plan shall demonstrate compliance with sight distance requirements.

E. The owner/developer shall enter into a Subdivision Improvements Agreement (SIA) for the construction of all required public improvements, including but not limited to, street lights, traffic signals, signage, and pavement markings. The SIA shall be executed prior to the release of any building permits.

F. The owner/developer shall provide a financial guarantee, in an amount determined by the City Engineer, to ensure the completion of all required public improvements. The guarantee shall be provided prior to the release of any building permits.

G. The owner/developer shall dedicate any necessary public utility easements to the City of Albuquerque for the installation and maintenance of public utilities. The easements shall be dedicated prior to the release of any building permits.

H. The owner/developer shall comply with all applicable requirements of the City of Albuquerque Code of Ordinances, including but not limited to, the Zoning Code, the Subdivision Ordinance, and the Drainage Ordinance.

I. The owner/developer shall obtain all necessary permits and approvals from the City of Albuquerque and other applicable agencies prior to commencing any construction activities.

J. The owner/developer shall maintain adequate insurance coverage for all activities related to the development, including but not limited to, general liability, automobile liability, and workers' compensation insurance.

K. The owner/developer shall indemnify and hold harmless the City of Albuquerque, its officials, employees, and agents from any and all claims, losses, damages, or liabilities arising out of or related to the development, except for those caused by the sole negligence of the City.

L. The owner/developer shall comply with all applicable federal, state, and local laws, regulations, and ordinances in the development and operation of the property.

M. The owner/developer shall provide a copy of these conditions of approval to all contractors and subcontractors working on the project.

N. The owner/developer shall post a sign at the entrance to the project site indicating the name and phone number of the person responsible for the project.

O. The owner/developer shall maintain a clean and orderly construction site at all times.

P. The owner/developer shall provide adequate temporary sanitary facilities for construction workers.

Q. The owner/developer shall comply with all applicable requirements of the Americans with Disabilities Act (ADA).

R. The owner/developer shall provide a detailed grading and drainage plan for review and approval by the City Engineer.

S. The owner/developer shall provide a detailed utility plan for review and approval by the City Engineer.

T. The owner/developer shall provide a detailed erosion and sediment control plan for review and approval by the City Engineer.

U. The owner/developer shall provide a detailed traffic control plan for review and approval by the City Engineer.

V. The owner/developer shall provide a detailed construction staging plan for review and approval by the City Engineer.

W. The owner/developer shall provide a detailed dust control plan for review and approval by the City Engineer.

X. The owner/developer shall provide a detailed noise control plan for review and approval by the City Engineer.

Y. The owner/developer shall provide a detailed vibration control plan for review and approval by the City Engineer.

Z. The owner/developer shall provide a detailed blasting plan for review and approval by the City Engineer.

AA. The owner/developer shall provide a detailed pre-construction survey for review and approval by the City Engineer.

BB. The owner/developer shall provide a detailed post-construction survey for review and approval by the City Engineer.

CC. The owner/developer shall provide a detailed as-built survey for review and approval by the City Engineer.

DD. The owner/developer shall provide a detailed maintenance plan for review and approval by the City Engineer.

EE. The owner/developer shall provide a detailed operations plan for review and approval by the City Engineer.

FF. The owner/developer shall provide a detailed emergency response plan for review and approval by the City Engineer.

GG. The owner/developer shall provide a detailed security plan for review and approval by the City Engineer.

HH. The owner/developer shall provide a detailed lighting plan for review and approval by the City Engineer.

II. The owner/developer shall provide a detailed signage plan for review and approval by the City Engineer.

JJ. The owner/developer shall provide a detailed landscaping plan for review and approval by the City Engineer.

KK. The owner/developer shall provide a detailed irrigation plan for review and approval by the City Engineer.

LL. The owner/developer shall provide a detailed tree preservation plan for review and approval by the City Engineer.

MM. The owner/developer shall provide a detailed wildlife management plan for review and approval by the City Engineer.

NN. The owner/developer shall provide a detailed archaeological survey for review and approval by the City Engineer.

OO. The owner/developer shall provide a detailed historic preservation plan for review and approval by the City Engineer.

PP. The owner/developer shall provide a detailed environmental impact assessment for review and approval by the City Engineer.

QQ. The owner/developer shall provide a detailed water conservation plan for review and approval by the City Engineer.

RR. The owner/developer shall provide a detailed energy conservation plan for review and approval by the City Engineer.

SS. The owner/developer shall provide a detailed recycling plan for review and approval by the City Engineer.

TT. The owner/developer shall provide a detailed hazardous materials management plan for review and approval by the City Engineer.

UU. The owner/developer shall provide a detailed emergency response plan for review and approval by the City Engineer.

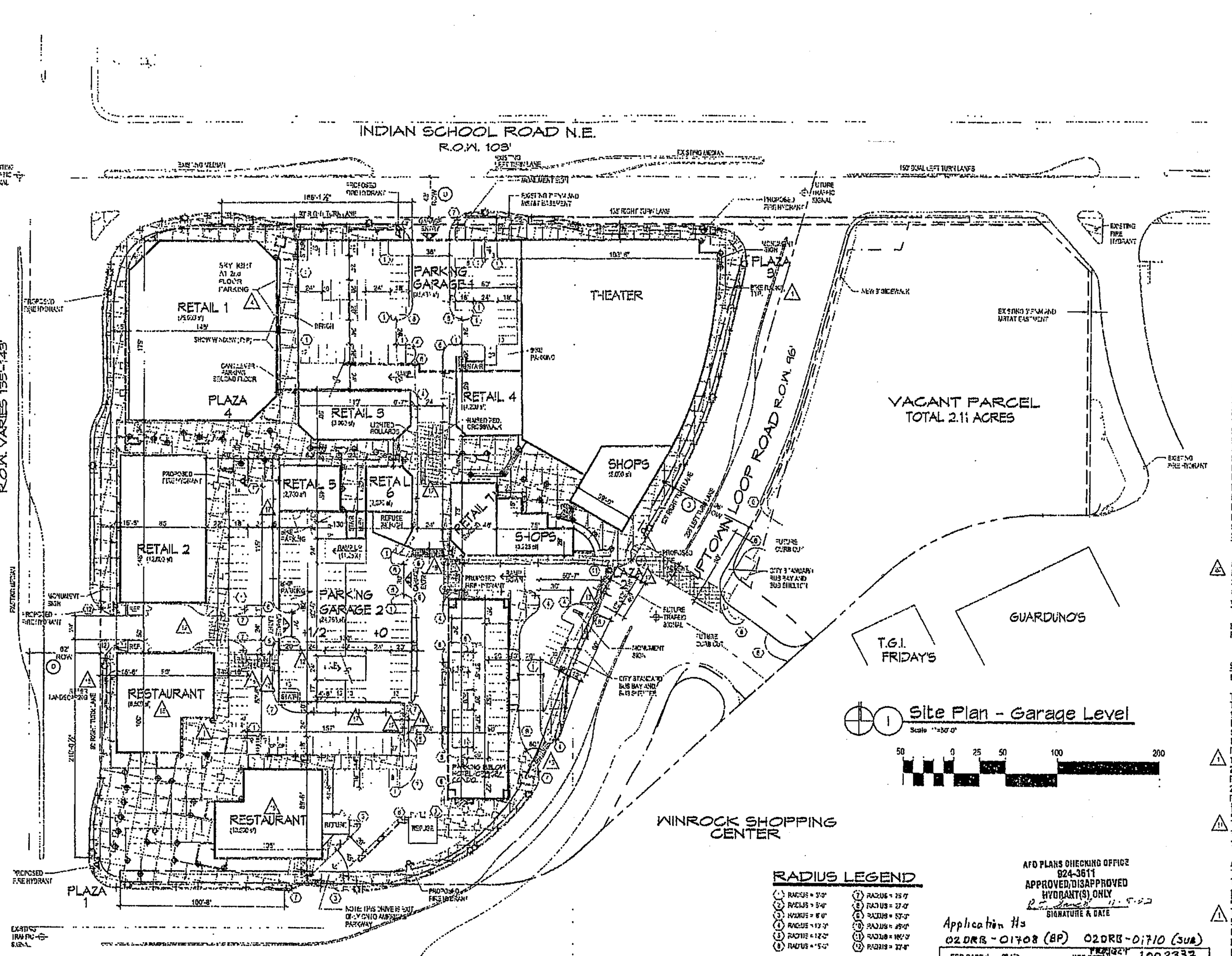
VV. The owner/developer shall provide a detailed security plan for review and approval by the City Engineer.

WW. The owner/developer shall provide a detailed lighting plan for review and approval by the City Engineer.

XX. The owner/developer shall provide a detailed signage plan for review and approval by the City Engineer.

YY. The owner/developer shall provide a detailed landscaping plan for review and approval by the City Engineer.

ZZ. The owner/developer shall provide a detailed irrigation plan for review and approval by the City Engineer.



Site Plan - Garage Level

Scale: 1"=50'-0"

50 0 25 50 100 200

DRAWING SHEET INDEX

SHEET NO.	SHEET TITLE
1	GARAGE LEVEL PLAN
2	GROUND LEVEL
3	CONCEPTUAL GRADING & DRAINAGE PLAN
4	CONCEPTUAL UTILITY PLAN
5	LANDSCAPE PLAN
6	ENLARGED LANDSCAPE PLANS
7	ENLARGED LANDSCAPE PLANS
8	PARKING GARAGE PLANS
9	SHEET NOT USED
10	BUILDING ELEVATIONS: THEATER - RETAIL EAST
11	BUILDING ELEVATIONS: THEATER + GARAGE
12	BUILDING ELEVATIONS: WEST GARAGE ELEVATIONS
13	BUILDING ELEVATIONS: RETAIL 1+2 ELEVATIONS
14	BUILDING ELEVATIONS: HOTEL WEST/SOUTH ELEVATIONS
15	BUILDING ELEVATIONS - HOTEL NORTH ELEVATION
16	BUILDING ELEVATIONS - HOTEL EAST ELEVATION
17	RETAIL BUILDING LANDSCAPE DESIGN STANDARDS
18	DESIGN ELEMENTS
19	DESIGN ELEMENTS
20	DESIGN ELEMENTS
21	DESIGN ELEMENTS

SITE CALCULATIONS

SITE AREA	9.63 ACRES
PHASE I SITE AREA	7.52 ACRES
VACANT PARCEL SITE AREA	2.11 ACRES
ALLOWABLE BUILDING AREA	
43,560 sf x 7.52 ACRES =	327,572 sf min.
327,572 sf x 1.5 F.A.R. =	491,358 sf max.
ALLOWABLE RETAIL AREA	
491,358 sf x .2 =	98,272 sf (max 20%)

"VACANT PARCEL" IS A PART OF THIS SUBMITTAL FOR SITE PLAN FOR SUBDIVISION ONLY.
"VACANT PARCEL" WILL BE SUBMITTED TO CITY PLANNING FOR SITE PLAN BUILDING PURPOSES AT A LATER DATE AS OUTLINED IN THE UPTOWN SECTOR PLAN

BUILDING AREAS

THEATER (INCLUDES LOBBY & ADMIN.)	70,000 sf
HOTEL (250 ROOMS)	300,000 sf
RESTAURANT 1	6,500 sf
RESTAURANT 2	10,500 sf
RETAIL 1	25,000 sf
RETAIL 2	12,500 sf
RETAIL 3	9,000 sf
RETAIL 4	4,200 sf
RETAIL 5	2,700 sf
RETAIL 6	7,020 sf
RETAIL 7	2,826 sf
SHOPS (IN THEATER)	5,000 sf
SHOPS	3,225 sf
TOTAL AREA	485,570 sf
TOTAL RETAIL AREA	85,570 sf

RESIDENTIAL
RETAIL PROVIDED OVER 10% IS 37,780+2,300=19 UNITS REQUIRED
24 RESIDENTIAL UNITS PROVIDED

PARKING CALCULATIONS

THEATER (2,000 SEATS = 2 FLOORS)	
1 CARS / SEATS	3,000 SEATS = 750 CARS
HOTEL (250 ROOMS)	1 CAR/ROOM = 333 CARS
RETAIL USES	85,570 sf/300= 285 CARS
RETAIL 1 THRU 7	
SHOPS BLDG.	
REST. 1 & 2	
HOUSING 24 units =	24 CARS
LESS 15% BUS CREDIT - 1,363 x .85=	
TOTAL REQUIRED PARKING	1,156 CARS
TOTAL HANDICAP SPACES REQUIRED	(23 CARS)
TOTAL PARKING PROVIDED	1,156 CARS
1 MCV (CP) / 15 SPACES =	77 CARS

IF THE DEMAND FOR MCV INCREASES THEN THE NUMBER OF MCV SPACES SHALL BE INCREASED TO (1) MCV PARKING SPACE FOR EVERY (10) REQUIRED PARKING SPACES.

BICYCLE PARKING
TOTAL PROVIDED 116 BICYCLE SPACES
23 PLAZA = 80
REMAINDER IN PARKING STRUCTURES 36
20% (24 SPACES) WILL BE PROVIDED IN LOCKERS LOCATED IN PARKING STRUCTURES

PARKING NOTES

TYPICAL STANDARD SPACES ARE 8'-6" x 18'-0" + 2' OVERHANG
TYPICAL SMALL CAR SPACES ARE 7'-5" x 15'-0"
TYPICAL HANDICAP SPACES ARE 8'-0" x 18'-0" WITH A 5' WIDE ACCESS AISLE
ALL SPACES ARE STANDARD SIZE UNLESS OTHERWISE NOTED
TOTAL STANDARD PARKING SPACES 1,049 CARS
TOTAL SMALL CAR SPACES 107 CARS

NOTES

THE TRAFFIC MITIGATION PLAN AGREED TO BY THE APPLICANT, ENVIRONMENTAL HEALTH DEPARTMENT, TRANSPORTATION DEVELOPMENT DIVISION, CONTAINS ELEMENTS WHICH ARE INTEGRAL TO THE SITE DESIGN, AND IT SHALL BE USED DURING EACH PHASE OF SITE DEVELOPMENT.

THERE SHALL BE NO MORE THAN 98,272 SQUARE FEET OF RETAIL/RESTAURANT USES ON THIS SITE.

SITE PLAN FOR BLDG. PERMIT
SITE PLAN FOR SUBDIVISION

UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 350
Albuquerque, New Mexico 87102

GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

GARAGE LEVEL PLAN

11/05/2002
sheet: 01 of 21

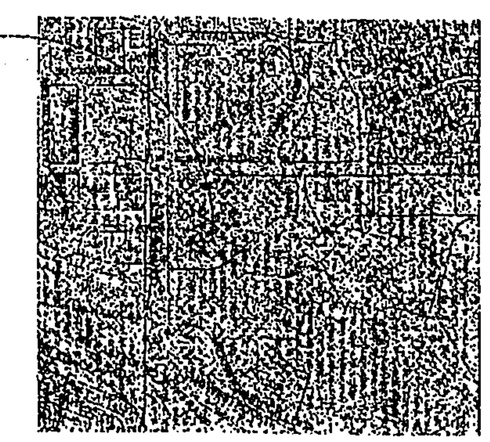
RADIUS LEGEND

(1) RADIUS = 3'-0"	(7) RADIUS = 25'-0"
(2) RADIUS = 5'-0"	(8) RADIUS = 27'-0"
(3) RADIUS = 8'-0"	(9) RADIUS = 53'-0"
(4) RADIUS = 13'-0"	(10) RADIUS = 45'-0"
(5) RADIUS = 12'-0"	(11) RADIUS = 165'-0"
(6) RADIUS = 15'-0"	(12) RADIUS = 37'-6"

LIGHTING LEGEND

- Pedestrian Scale Pole Light, Height: 15'-0"
- Area Pole Light, Height: 20'-0"
- Street Pole Light (No name existing)

VICINITY MAP J-19 1"=200'-0"



AFD PLANS CHECKING OFFICE
924-3611
APPROVED/DISAPPROVED
HYDRANT(S) ONLY
SIGNATURE & DATE

Application No
02DRB-01708 (EP) 02DRB-01710 (SUB)

EPC CASE # 02-123 DRB CASE # 1002337

This plan is consistent with the approved site development plan approved by the Environmental Planning Commission (EPC) on _____ and the findings and conditions in the Official Notice of Decision of the EPC have been complied with.

SITE DEVELOPMENT PLAN

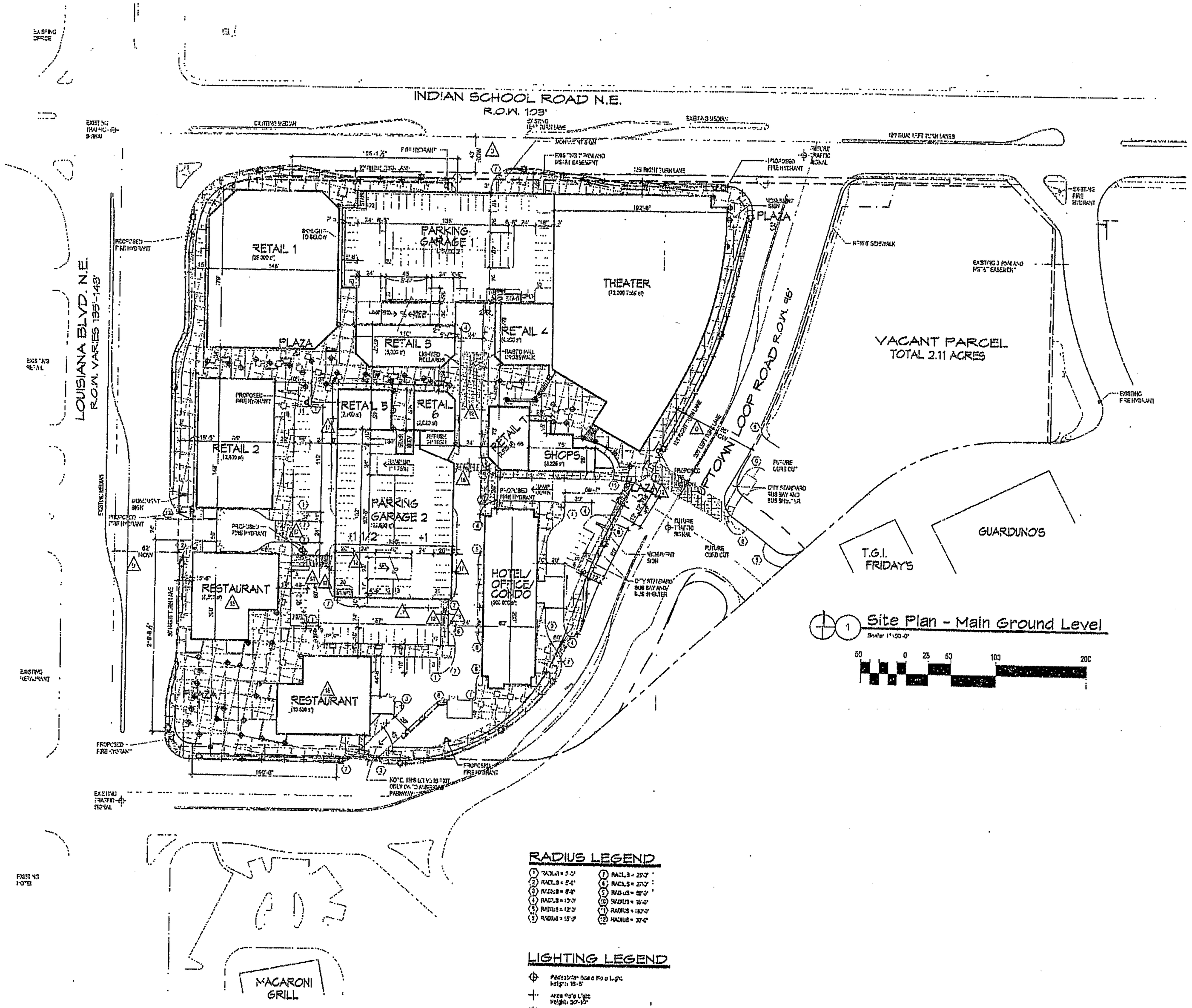
Traffic Engineer, Transportation Division	12-31-02 Date
Parks and General Services Department Recreation	11/26/02 Date
Public Works/Water Utilities Division	11/26/02 Date
City Engineer, Engineering Division / AMAFCA	1/7/03 Date

APPROVAL AND CONDITIONAL ACCEPTANCE: as specified by the Development Process Manual.

Environmental Health Department	12/19/02 Date
City Planner, Architectural Review to County Planning Division	Nov. 5 02 Date

Solid Waste Condition: Trash, recyclables, compactors & loading/circulation

EP 1st letter



Site Plan - Main Ground Level

Scale: 1"=50'-0"

50 0 25 50 100 200

RADIUS LEGEND

1. RADIUS = 5'-0"
2. RADIUS = 5'-0"
3. RADIUS = 6'-0"
4. RADIUS = 12'-0"
5. RADIUS = 12'-0"
6. RADIUS = 15'-0"
7. RADIUS = 25'-0"
8. RADIUS = 25'-0"
9. RADIUS = 30'-0"
10. RADIUS = 35'-0"
11. RADIUS = 40'-0"
12. RADIUS = 30'-0"

LIGHTING LEGEND

- Pedestrian Scale Pole Light, Height: 15'-0"
- Area Pole Light, Height: 30'-0"
- Street Pole Light, (to match existing)

SITE CALCULATIONS

SITE AREA	9.63 ACRES
PHASE I SITE AREA	7.52 ACRES
VACANT PARCEL SITE AREA	2.11 ACRES
ALLOWABLE BUILDING AREA	
43,560 sf x 7.52 ACRES =	327,572 sf min.
327,572 sf x 1.5 F.A.R. =	491,358 sf max.
ALLOWABLE RETAIL AREA	
491,358 sf x .2 =	98,272 sf (max 20%)

VACANT PARCEL IS A PART OF THIS SUBMITTAL FOR SITE PLAN FOR SUBDIVISION ONLY
VACANT PARCEL WILL BE SUBMITTED TO CITY PLANNING FOR SITE PLAN BUILDING PURPOSES AT A LATER DATE, AS OUTLINED IN THE UPTOWN SECTOR PLAN

BUILDING AREAS

THEATER (INCLUDES LOBBY & ADDITIONAL)	70,000 sf
HOTEL (300 ROOMS)	300,000 sf
RESTAURANT 1	8,500 sf
RESTAURANT 2	10,500 sf
RETAIL 1	28,000 sf
RETAIL 2	12,600 sf
RETAIL 3	9,000 sf
RETAIL 4	4,200 sf
RETAIL 5	2,700 sf
RETAIL 6	2,000 sf
RETAIL 7	2,925 sf
SHOPS (IN THEATER)	8,000 sf
SHOPS	3,225 sf
TOTAL AREA	455,570 sf
TOTAL RETAIL AREA	85,570 sf

RESIDENTIAL
RETAIL PROPOSED OVER 10% IS 87,790sf/2,000=19 UNITS REQUIRED
24 RESIDENTIAL UNITS PROVIDED

PARKING CALCULATIONS

THEATER (3,300 SEATS 2 FLOORS)
CAR SEATS 3,300 SEATS/= 1/30 CARS
HOTEL (300 ROOMS) 1 CAR/ROOM= 300 CARS
RETAIL USES 85,570 sf/300= 285 CARS
RETAIL 1 THRU 7
SHOPS (IN THEATER)
SHOPS
RESTAURANT 1 & 2

HOUSING 24 units = 24 CARS
LESS 15% BUS CREDIT = 1,380 x .85=
TOTAL REQUIRED PARKING 1,155 CARS
TOTAL HANDICAP SPACES REQUIRED (23 CARS)
TOTAL PARKING PROVIDED 1,166 CARS

IF THE DEMAND FOR MOV INCREASES THEN THE NUMBER OF MOV SPACES SHALL BE INCREASED TO (1) MOV PARKING SPACE FOR EVERY (16) REQUIRED PARKING SPACES.

BICYCLE PARKING
TOTAL PROVIDED 118 BICYCLE SPACES
20% PLAZA = 50
REMAINDER IN PARKING STRUCTURES 35
20% (24 SPACES) WILL BE PROVIDED IN LOCKERS LOCATED IN PARKING STRUCTURES

PARKING NOTES

1. TYPICAL STANDARD SPACES ARE 9'-6" x 19'-0" 2' OVER-HANG
TYPICAL SMALL CAR SPACES ARE 7'-6" x 15'-0"
TYPICAL HANDICAP SPACES ARE 8'-0" x 18'-0"
WITH A 5' WIDE ACCESS AISLE
ALL SPACES ARE STANDARD SIZE UNLESS OTHERWISE NOTED.
TOTAL STANDARD PARKING SPACES 1,047 CARS
TOTAL SMALL CAR SPACES 107 CARS

NOTES

1. THE TRAFFIC MITIGATION PLAN, AGREED TO BY THE APPLICANT, ENVIRONMENTAL HEALTH DEPARTMENT TRANSPORTATION DEVELOPMENT DIVISION, CONTAINS ELEMENTS WHICH ARE INTEGRAL TO THE SITE DESIGN, AND IT SHALL BE USED DURING EACH PHASE OF SITE DEVELOPMENT.
THERE SHALL BE NO MORE THAN 98,272 SQUARE FEET OF RETAIL/RESTAURANT USES ON THIS SITE

SITE PLAN FOR BLDG. PERMIT
SITE PLAN FOR SUBDIVISION

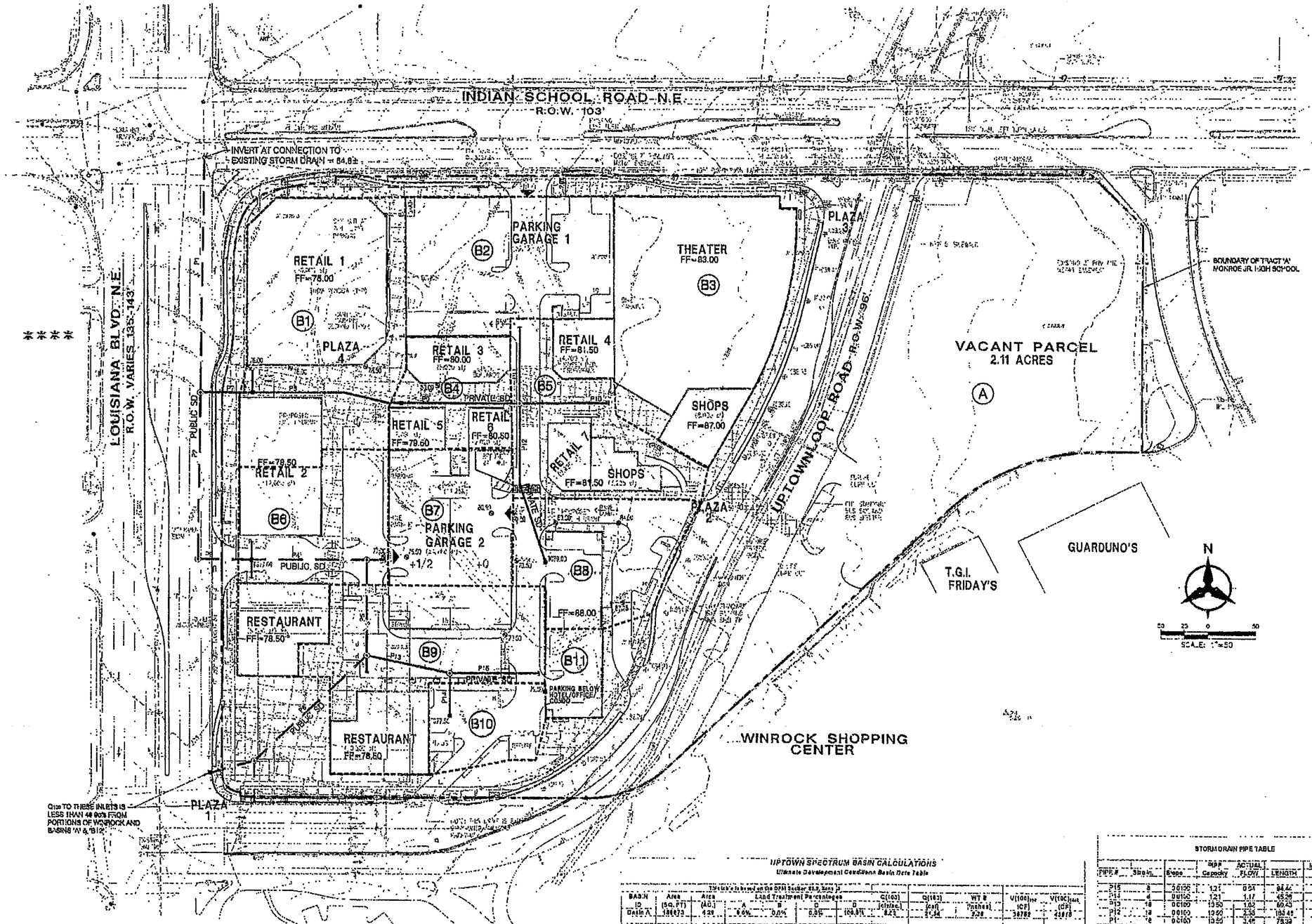
UPTOWN SPECTRUM
DRB SUBMITTAL

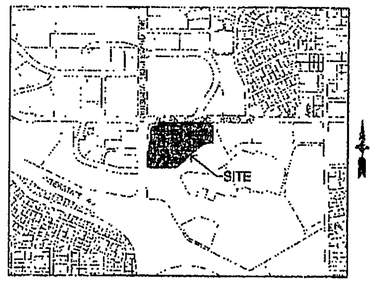
HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 350
Albuquerque, New Mexico 87103

GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2525 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

GROUND LEVEL

11/01/2002
sheet 02 of 21





LOCATION MAP
ZONE ATLAS INDEX MAP No. J-10-2
NOT TO SCALE

Uptown Spectrum
Drainage Management Plan

Site Location and Background Information

This site is located on the southeast corner of Indian School and Louisiana, in Northeast Albuquerque. The site is known as the Monroe School Site, and was formerly owned by APS. The Spectrum site is bounded on the east and south by the proposed Uptown Loop Road, and on the north and west by Indian School and Louisiana respectively. A portion of the Monroe School Site is located west of the proposed Uptown Loop Road, that portion is not a part of this submittal. The site is in precipitation zone 3 as defined by Figure A-1 of the DPM section 22.2.A.1. The legal description of the site is Tract A Monroe Jr. High School. Please see the vicinity map on the sheet for a graphic depiction of the site location.

The development plan processed with this submittal is known as Uptown Spectrum. Both the Site Plan for Subdivision Purposes and the Site Plan for Building Permit purposes have been approved through the EPC process (EPC Case No Z-86 123). This Conceptual Grading and Drainage Plan is submitted as a report DRB final sign-off of the Site Plan for Subdivision and the Site Plan for Building permit.

The most recent drainage report to address drainage of this site and the surrounding areas is entitled "Drainage Study for the ABQ Uptown Area", dated August 13, 2002, and prepared by Bohannan Huston. That drainage report has been approved (see letter dated August 26th, 2002 from Carlos Montoya to Elizabeth Smith) and can be found in hydrology file #H10/D72. This submittal is in full compliance with the guidance and recommendations set forth in that report.

Existing Conditions

The site under existing conditions is the west at a slope of approximately 1.7%. Since the site was previously developed, it may be considered "100% and treatment D as defined by Table A-4, Section 22.2.A.3 of the DPM. As such, the existing runoff from the 1.75 acre site for the 100 year storm is 10 cfs (1.75 acres x 3.34 cfs/ac). This runoff enters Indian School and Louisiana mainly by sheet flow. Note that the 1.75 acres calculated above includes the portion of Tract A which is to be dedicated to the city for Uptown Loop Road, as well as the portion east of the Loop Road.

Proposed Conditions

Under proposed conditions the site is 100% impervious. Accordingly, the developed discharge from the entirety of Tract A is 6 cfs (1.75 acres x 3.42 cfs/ac). All of the runoff from the Spectrum site will drain to the public storm drain at the intersection of Louisiana and Indian School. Small portions of the site around the perimeter of the site (Basin B12, 1.03acs) will drain to the surface of the surrounding public streets. These flows will then be conveyed by the public streets to proposed inlets located at the intersection of Uptown Loop Road and Louisiana and existing inlets located at the intersection of Indian School and Louisiana. Basin A shown on the drawing is composed of the portion of Tract A which is to become dedicated Uptown Loop Road right-of-way, as well as Tract A east of Uptown Loop Road. Basin A will drain to the proposed inlets at the intersection of Uptown Loop Road and Louisiana via the surface of Uptown Loop Road. In

*12/6/02 - UPDATED TO SHOW REVISED ARCHITECTURAL SITE PLAN

BRUCE A. STOCKWELL NEW MEXICO 14323 REGISTERED PROFESSIONAL ENGINEER 12/10/02

UPTOWN SPECTRUM BASIN CALCULATIONS
Ultimate Development Conditions Basin Data Table

Basin ID	Area (SQ. FT)	Area (AC.)	Land Treatment Percentages A	B	C	D	C(100) (cfs/ac.)	Q(100) (cfs)	WT'D Tc (Hours)	V(100) (cf)	V(10Yr) (cf)
Basin A	186673	4.29	0.0%	0.0%	0.0%	100.0%	5.03	21.54	0.26	38789	23810
Basin B	334518	7.68	0.0%	0.0%	0.0%	100.0%	5.03	37.40	0.39	64926	39844
B1	44172	1.01	0.0%	0.0%	0.0%	100.0%	5.03	5.19	0.26	9005	10322
B2	33018	0.80	0.0%	0.0%	0.0%	100.0%	5.03	4.04	0.26	7037	7093
B3	48121	1.10	0.0%	0.0%	0.0%	100.0%	5.03	5.55	0.26	9494	11308
B4	14684	0.34	0.0%	0.0%	0.0%	100.0%	5.03	1.69	0.26	2939	3482
B5	32726	0.75	0.0%	0.0%	0.0%	100.0%	5.03	3.77	0.26	6499	8047
B6	28937	0.66	0.0%	0.0%	0.0%	100.0%	5.03	3.33	0.26	5995	6798
B7	169654	3.89	0.0%	0.0%	0.0%	100.0%	5.03	19.14	0.26	34258	43778
B8	80033.3	0.49	0.0%	0.0%	0.0%	100.0%	5.03	2.56	0.26	5153	5878
B9	34931	0.80	0.0%	0.0%	0.0%	100.0%	5.03	4.03	0.26	6979	8156
B10	70174.39	0.23	0.0%	0.0%	0.0%	100.0%	5.03	1.17	0.26	2021	2381
B11	6389.67	0.03	0.0%	0.0%	0.0%	100.0%	5.03	0.14	0.26	1089	1315
B12	45172	1.04	0.0%	0.0%	0.0%	100.0%	5.03	5.23	0.26	9061	10661

STORM DRAIN PIPE TABLE

PIPE #	Slope	Area	Pipe Capacity	ACTUAL FLOW	LENGTH	INVERT IN	INVERT OUT
P16	8	0.0106	1.21	0.97	84.42	85.02	85.69
P14	4	0.0150	1.21	1.17	45.26	85.83	86.24
P13	16	0.0100	13.50	1.82	60.43	86.09	87.19
P12	18	0.0100	12.90	2.58	183.45	70.69	89.01
P1	18	0.0100	13.50	3.46	75.39	89.79	89.01
P10	18	0.0100	13.50	3.56	90.45	89.02	89.01
P9	24	0.0100	23.82	13.56	119.77	89.01	87.71
P8	24	0.0100	23.82	13.56	131.85	87.71	84.19
P7	24	0.0100	23.82	20.84	54.37	86.19	83.65
P6	36	0.0049	46.89	40.96	167.66	87.38	87.18
P5	42	0.0027	62.74	52.77	102.33	87.08	86.91
P4	42	0.0030	65.71	54.84	110.15	86.71	86.38
P3	42	0.0035	71.02	56.15	94.94	86.28	86.06
P2	48	0.0017	59.23	68.16	177.40	85.85	85.85
P1	48	0.0035	78.01	78.01	252.37	85.55	84.80

* DENOTES PUBLIC STORM DRAIN

PIPE CAPACITIES ARE BASED ON GRAVITY FLOW USING MANNING'S EQN, WHERE n=0.013

Bohannan Huston Inc.
Courtyard 1 7500 Jefferson St. NE Albuquerque, NM 87109-4335
ENGINEERING • SPATIAL DATA • ADVANCED TECHNOLOGIES

UPTOWN SPECTRUM
DRB SUBMITTAL

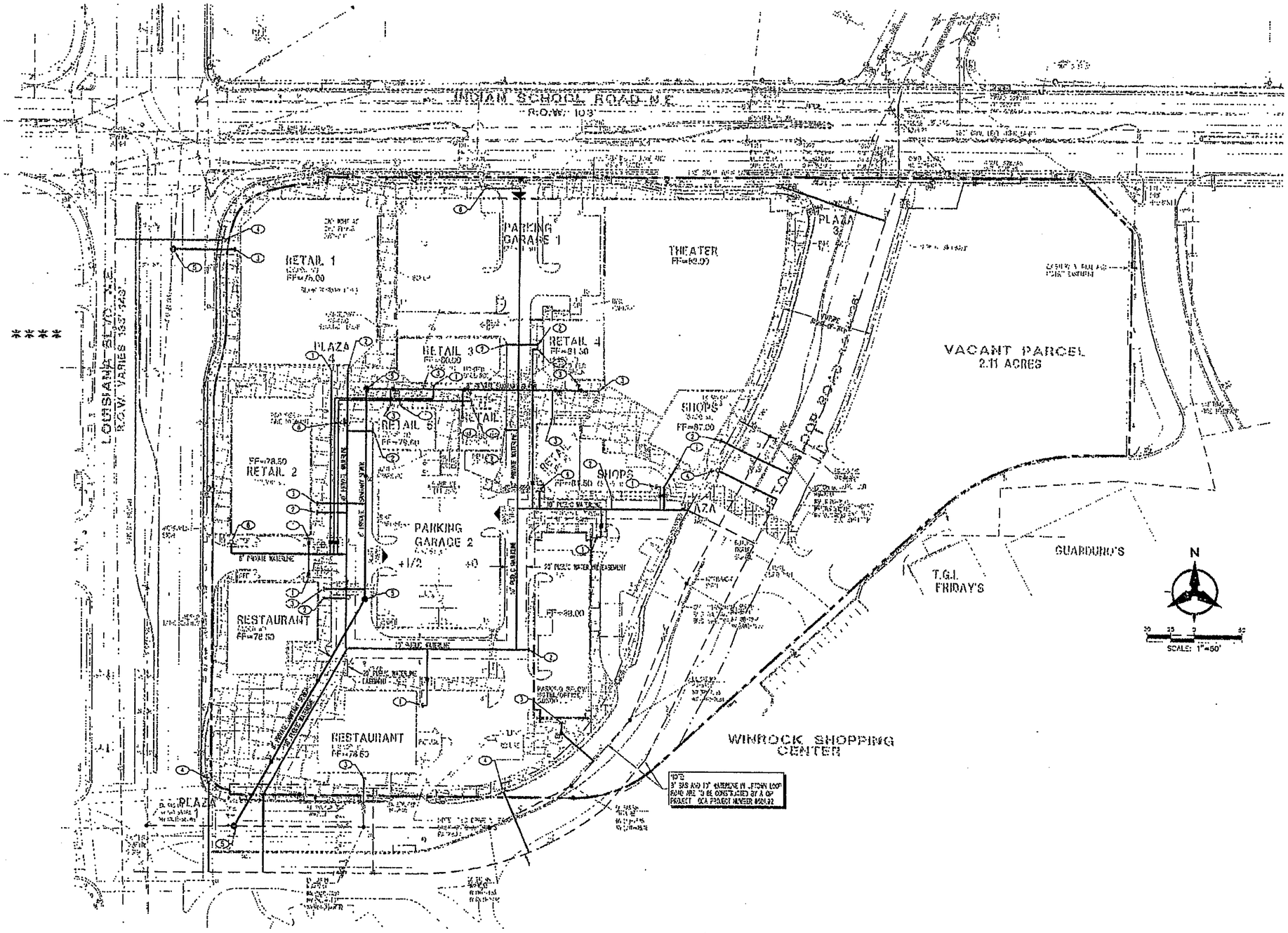
HUNT- UPTOWN, LLC
500 Marquette NW Suite 350
Albuquerque, New Mexico 87102

GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2326 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9150 FAX (505) 837-3977

CONCEPTUAL GRADING & DRAINAGE PLAN

11/05/2002
sheet 3 of 21

P:\3A0108\dwg\pc\dr\3A0108PC.dwg
December 10, 2002 - 10:37:48
jaye11



① UTILITY KEYED NOTES

1. DOMESTIC METERED SERVICE (2" OR SMALLER)
2. FIRE SERVICE (SPRINKLERS)
3. SANITARY SEWER SERVICE LINE (4", 6" OR 8" AS REQUIRED)
4. PUBLIC FIRE HYDRANT
5. SANITARY SEWER MANHOLE
6. PRIVATE FIRE HYDRANT

NOTE:
ALL LINE SIZES ARE APPROXIMATE. FINAL LINE SIZES WILL BE BASED ON THE REQUIREMENTS OF THE WATER & SEWER AVAILABILITY STATEMENT AND UPON FINAL DESIGN CALCULATIONS.

Bohannan ▲ Huston
Courtyard I 7500 Jefferson St. NE Albuquerque, NM 87109-4335
ENGINEERING ▲ SPATIAL DATA ▲ ADVANCED TECHNOLOGIES

UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT- UPTOWN, LLC
500 Marquette NW Suite 350
Albuquerque, New Mexico 87102

GEORGE RANNFART, ARCHITECT + ASSOCIATES P.C.
2363 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-6677

CONCEPTUAL UTILITY PLAN

11/05/2002
sheet 4 of 21

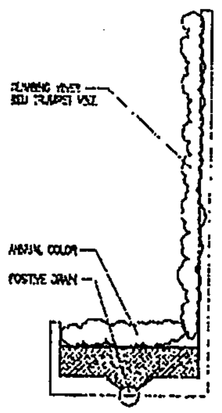
I:\2002\02-00132\...
December 12, 2002 - 10:23 AM
Layout

INDIAN SCHOOL ROAD N.E.
R.O.W. 103'

LOUISIANA BLVD. N.E.
R.O.W. VARIES 135'-143'

RETAIL 1 (25,000 sf)
PARKING GARAGE 1 (33,431 sf)
THEATER
PLAZA 3
RETAIL 4 (4,200 sf)
RETAIL 3 (5,000 sf)
PLAZA 4
PLANTER, TYP.
PLANTING FOR UPPER LEVEL SCREEN, TYP.
FOUNTAIN/ ART
BIKE RACKS, TYP.
RETAIL 5 (2,100 sf)
RETAIL 6 (2,220 sf)
REFUSE 24' HIGH
RETAIL 7 (4,500 sf)
SHOPS (3,000 sf)
SHOPS (3,225 sf)
SCULPTURE/ ART
UPTOWN LOOP ROAD R.O.W. 96'
RETAIL 2 (12,000 sf)
REF.
PLAZA 2
PARKING GARAGE 2
RESTAURANT (8,500 sf)
BENCH, TYP.
MONUMENT SIGN, TYP.
SCULPTURE/ART
PARKING BELOW HOTEL/OFFICE/ CONDO
RESTAURANT (10,500 sf)
REFUSE
PLAZA 1

1 Landscape Plan
Scale: 1"=40'-0"
0 20 40



2 Vine/Screen Detail
NTS

RESPONSE TO CONDITIONS

3 The Landscape Plan consists of three sheets - one 40-scale site plan and two sheets of 10-scale Plaza enlargement plans. Locations for site furnishings, lighting standards, waste receptacles, conduit systems, tree guards and art, are illustrated on the Landscape plans. Plant materials are illustrated on the plans and keyed to plant schedules located on each Landscape sheet.

5 Planting and irrigation installation details shall be per City of Albuquerque standards.

7 Additional landscaping has been added at several locations around the site. Portable planters have been added as an entrance to the north-south pedestrian walkway east of Retail 1. A fountain is now illustrated in the center of the passageway between retail buildings 1,2, 3 and 5.

10 Street trees at 30 o.c. have been added to the west side of the restaurant building located on Louisiana.

11 The walkways on the east, south and west of Garage 2 have been converted to landscaping.

12 The east-west sidewalk on the north side of the restaurant has been widened. At grade planters and shade trees at approximately 25 feet o.c. have also been added to the plan.

LANDSCAPE CALCULATIONS

Total Phase I Area: 7.82 Acres= 327,571 SF
Total Building Area (Footprint Area): 111,518 SF
Offsite Area: 0 SF
Net Lot Area: 327,571-(-) 518= 186,253 SF
Landscape Required: 15%
Total Landscape Required: 30,431 SF

Total Landscape Provided: 35,126 SF
Total Planter Area Provided: 18,648 SF
(Max. allowable High Water Use Planting: 30% of required landscape area = (30 X 30,431 SF = 4,563 SF)
Total Vertical Screening Provided: 1,438 SF

LANDSCAPE NOTES

Irrigation system to be comprised of a combination of drip and spray zones. Drip emitters shall be used for all plant materials except sod areas. Sod areas shall be irrigated with a spray, and are approximately designed to avoid overspray onto impermeable surfaces and adjacent property.

The run time for the various zones shall be approximately 30 minutes for drip zones and 10 minutes for spray zones. Run times shall be adjusted according to season.

The point of connect on for the irrigation system shall be coordinated with overall water service to be delivered to the property. Exact location is unknown at this time.

Planting and irrigation maintenance shall be the responsibility of the Property Owner.

Planting and irrigation shall comply with the intent of the City of Albuquerque Water Conservation, Landscaping and Water Assets Ordinance.

All planting beds shall be covered by Bonsai Ara Tan gravel mulch with fiber fabric.

LIGHTING NOTE

Lighting shall comply with applicable City of Albuquerque lighting regulations.

3 PLANT SCHEDULE

symbol	botanical name/ common name	condition	mature size (HxW)/ water use
	Trees		
	Chilopsis linearis/ Desert Willow	48" Box/ Large, Multi-trunked	20'x25'/ Low
	Chitalpa tashkentensis/ Chitalpa	48" Box/ Large, Multi-trunked	30'x30'/ Medium
	Cupressocyparis leylandii/ Leyland Cypress	12' High/B&B	50'x20'/ Medium
	Fraxinus angustifolia 'Raywood'/ Raywood Ash	2 1/2" Cal./B&B	35'x30'/ Medium
	Fraxinus velutina 'Modesto'/ Modesto Ash	2 1/2" Cal./B&B	40'x40'/ Medium
	Lagerstroemia indica/ Crape Myrtle (tree form)	24" Box/ Large, Multi-trunked	15'x15'/ High
	Pinus edulis/ Pinon Pine	12' High/B&B	40'x15'/ Medium
	Platanus acerifolia/ London Plane Tree	3 1/2" Cal./ B&B	50'x25'/ High
	Populus fremontii 'Mesa Verde'/ Rio Grande Valley Cottonwood	4" Cal/B&B	50'x50'/ High
	Yucca elata/ Soaptree Yucca	24" Box/ Large, Multi-trunked	24" Box/ Large, Multi-trunked
	Landscape Area/ (See Other Landscape Sheets for Plaza Enlargements)		

FURNISHINGS

- 6' Bench w/ Back
- 6' Soft-style Bench
- Waste Receptacle
- Sculpture/Art
- Tree Guard
- Planter - pot/sole
- Bike Rack
- Pedestrian Scale Pole Light: Height: 15'-6"
- Area Pole Light: Height: 20'-0"
- Street Pole Light: (to match existing)

Dekker/Perich/Sabatini
architecture • interiors • planning • engineering

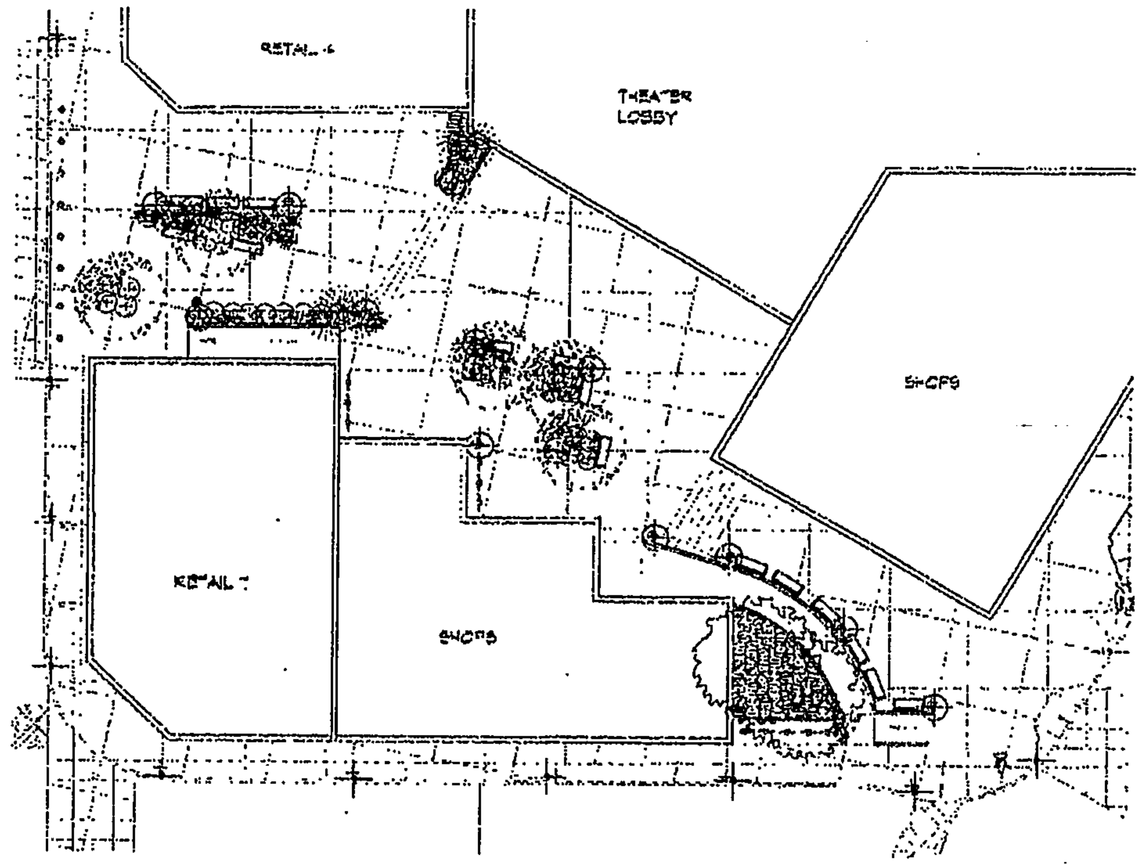
UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT UPTOWN I, LLC
A LIMITED LIABILITY COMPANY
500 Marquette NW Suite 350
Albuquerque, New Mexico 87102

GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

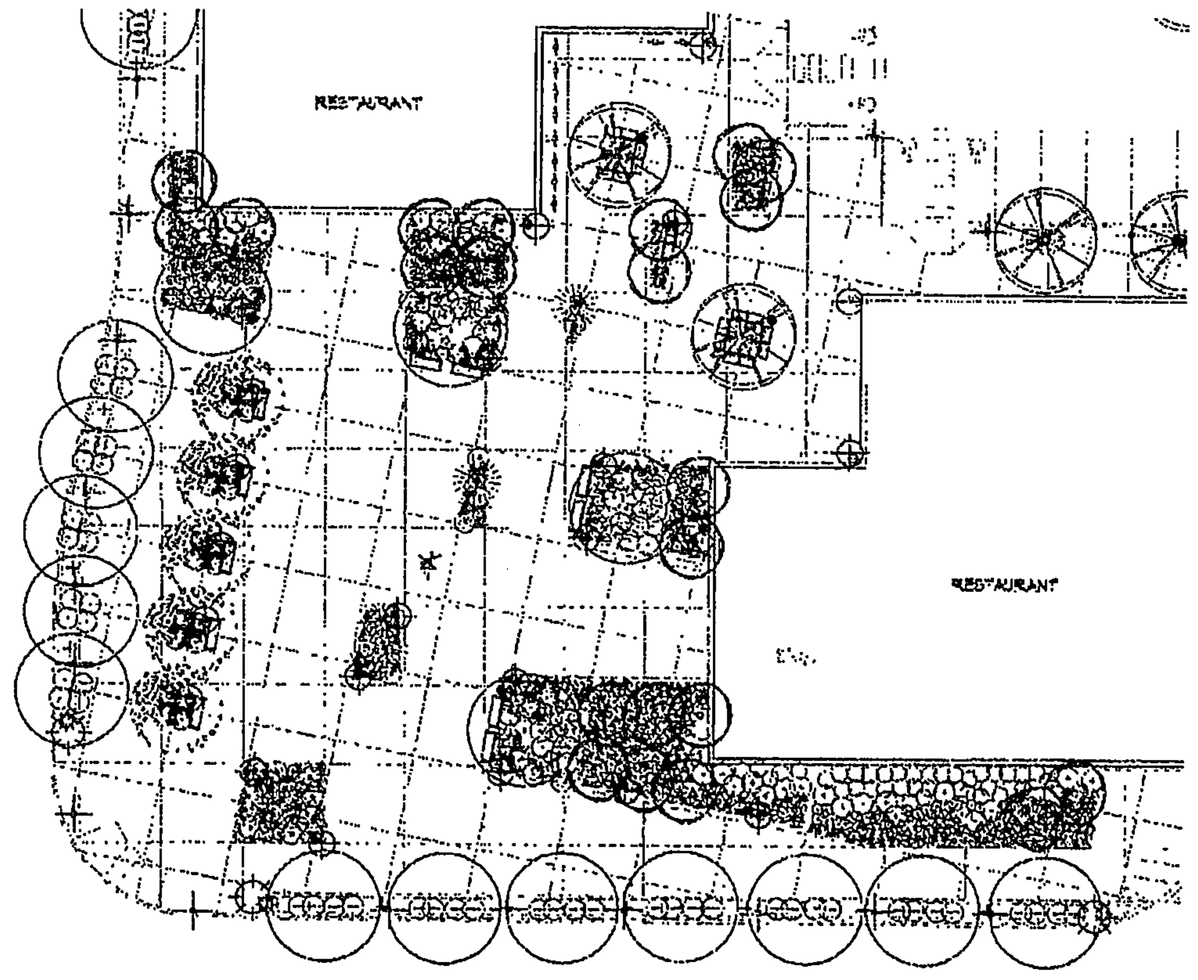
LANDSCAPE PLAN

05 NOVEMBER 2002
sheet: 05 of 21



2 Plaza 2: Enlarged Landscape Plan

Scale: 1"=20'-0"
0 10' 20'



1 Plaza 1: Enlarged Landscape Plan

Scale: 1"=20'-0"
0 10' 20'

PLANT SCHEDULE

symbol	botanical name/ common name	condition	mature size (HxW)/ water use
	Trees		
	Chilopsis linearis/ Desert Willow	48" Box/ Large, Multi-trunked	20'x20'/ Low
	Chilopsis linearis 'Kenzam'/ Chilopa	48" Box/ Large, Multi-trunked	30'x30'/ Medium
	Cupressocyparis leylandii/ Leyland Cypress	12' High/B&B	50'x20'/ Medium
	Fraxinus angustifolia 'Raywood'/ Raywood Ash	2 1/2" Cal/B&B	35'x30'/ Medium
	Fraxinus velutina 'Modesto'/ Modesto Ash	2 1/2" Cal/B&B	40'x40'/ Medium
	Lagerstroemia indica/ Crape Myrtle (tree form)	24" Box/ Large, Multi trunked	15'x10'/ High
	Pinus edulis/ Nigger Pine	12' High/B&B	40'x15'/ Medium
	Platanus acerifolia/ London Plane Tree	3" Cal./B&B	50'x25'/ High
	Populus fremontii 'Wislizenii'/ Rio Grande Valley Cottonwood	4" Cal./B&B	50'x50'/ High
	Yucca elata/ Soaptree Yucca	24" Box/ Large, Multi-trunked	24" Box/ Large, Multi trunked
	Shrubs		
	Juniperus horizontalis sp./ Prostrate Juniper	5 Gal. Cont.	12"x96"/ Low
	Rosmarinus officinalis sp/ Prostrate Rosemary	5 Gal. Cont.	24"x72"/ Medium
	Succulents		
	Hesperaloe parviflora/ Red Hesperaloe	5 Gal. Cont.	48"x48"/ Medium
	Hesperaloe parviflora 'Yellow'/ Yellow Hesperaloe	5 Gal. Cont.	48"x48"/ Medium
	Opuntia engelmanii/ Engelmann's Prickly Pear	1 Gal. Cont.	48"x60"/ Low
	Opuntia santa-rita/ Santa Rita Prick ly Pear	1 Gal. Cont.	60"x48"/ Low
	Grasses		
	Festuca 'Glaucas 'Elijah Blue'/ Elijah Blue Fescue	1 Gal. Cont.	18"x18"/ Medium
	Helictotrichon sempervirens/ Blue Avena Grass	1 Gal. Cont.	48"x24"/ Medium
	Miscanthus sinensis 'Gracillimus'/ Maiden Grass	1 Gal. Cont.	60"x36"/ Medium
	Miscanthus sinensis 'Purpurea'/ Purple Maiden Grass	1 Gal. Cont.	36"x18"/ Medium
	Muhlenbergia capillaris 'Regal Mist'/ Regal Mist Muhlenberg'a	1 Gal. Cont.	36"x42"/ Medium
	Perennials/Vines		
	Achillea x 'Moonshine'/ Moonshine Yarrow	1 Gal. Cont.	12"x24"/ Medium
	Agastache barberi/ Barrelgold Mint	1 Gal. Cont.	60"x12"/ Medium
	Artemisia californica/ Yerba de Vaca	1 Gal. Cont.	18"x24"/ Medium
	Artemisia x 'Powis Castle'/ Powis Castle Sage	1 Gal. Cont.	36"x30"/ Medium
	Carex 'Feline'/ Yellow Trumpet Vine	1 Gal. Cont.	Vine/ Medium
	Campsis radicans clandonensis 'Dark Knight'/ Dark Night Blue Mist Spirea	1 Gal. Cont.	48"x48"/ Medium
	Ceratostigma plumbaginoides/ Dwarf Plumbago	1 Gal. Cont.	12"x18"/ Medium
	Gymnocarpa ocalis/ Angelita Daisy	1 Gal. Cont.	12"x12"/ Low
	Lavendula angustifolia 'Hidcote Superior'/ Hidcote Superior Lavender	1 Gal. Cont.	18"x18"/ Medium
	Linum 'Appar'/ Appar Blue Flax	1 Gal. Cont.	18"x18"/ Medium
	Penstemon strictus/ Rocky Mountain Penstemon	1 Gal. Cont.	24"x18"/ Medium
	Salvia greggii 'Red Thing'/ Red Thing Bush Sage	1 Gal. Cont.	30"x36"/ Low
	Salvia nemorosa 'May Night'/ May Night Sage	1 Gal. Cont.	18"x18"/ Medium
	Teucrium chamaedrys/ Trailing Germander	1 Gal. Cont.	12"x24"/ Medium
	Wisteria sinensis/ Chinese Wisteria	1 Gal. Cont.	Vine/ Medium

FURNISHINGS

- 6' Bench w/ Back
- 6' Soft-edge Bench
- Waste Receptacle
- Sculpture/Art
- Tree Guard
- Planter - portable, with wheels
- Bike Rack
- Pedestrian Scale Pole Light Height: 15'-0"
- Area Pole Light Height: 20'-0"
- Street Pole Light (to match existing)

Dekker/Perich/Sabatini
architecture • interiors • planning • engineering

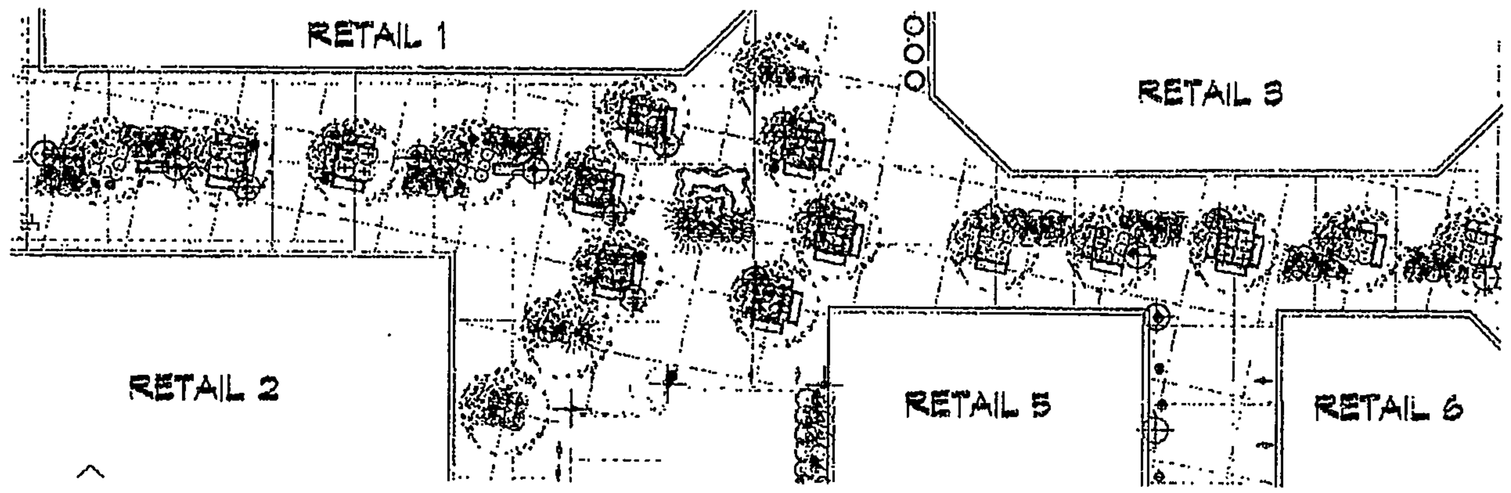
UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 350
Albuquerque, New Mexico 87102

GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2328 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

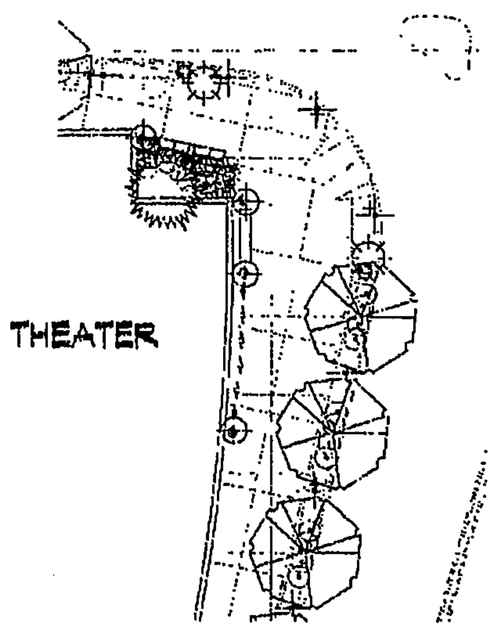
Enlarged Landscape Plans

11/05/2002
sheet: 08 of 21



2 Plaza 4: Enlarged Landscape Plan

Scale: 1"=20'-0"
0 10' 20'



1 Plaza 3: Enlarged Landscape Plan

Scale: 1"=20'-0"
0 10 20

PLANT SCHEDULE

Symbol	botanical name/ common name	condition	mature size (HxW)/ water use
	Trees		
	Chilopsis linearis/ Desert Willow	48" Box/ Large, M. Branched	20'x25'/ Low
	Chilopsis linearis 'Lomeria'/ Chilapa	48" Box/ Large, Multi-Trunked	30'x30'/ Medium
	Cupressocyparis leylandii/ Leland Cypress	12 Hgt/B&B	30'x20'/ Medium
	Fraxinus angustifolia 'Raywood'/ Raywood Ash	2 1/2" Cal/B&B	35'x30'/ Medium
	Fraxinus velutina 'Modesto'/ Modesto Ash	2 1/2" Cal/B&B	40'x40'/ Medium
	Lagerstroemia indica/ Crape Myrtle (tree form)	24" Box/ Large, Multi-trunked	15'x10'/ High
	Pinus eldarica/ Afghan Pine	12' Hgt/B&B	40'x15'/ Medium
	Platanus acerifolia/ London Plane Tree	3 1/2" Ca / B&B	30'x30'/ High
	Populus fremontii 'Wislizenii'/ Rio Grande Valley Cottonwood	4" Ca /B&B	50'x30'/ High
	Yucca elata/ Soaptree Yucca	24" Box/ Large, Multi-trunked	24" Box/ Large, Multi-trunked
	Shrubs		
	Juniperus horizontalis sp./ Prostrate Juniper	5 Gal Cont.	12'x36'/ Low
	Rosmarinus officinalis sp./ Prostrate Rosemary	5 Gal Cont.	24'x12'/ Medium
	Succulents		
	Hesperaloe parviflora/ Red Hesperaloe	5 Gal. Cont.	48'x42'/ Medium
	Hesperaloe parviflora 'Yellow'/ Yellow Hesperaloe	5 Gal. Cont.	48'x42'/ Medium
	Opuntia engelmannii/ Engelmann's Prickly Pear	1 Gal. Cont.	48'x60'/ Low
	Opuntia santa-rita/ Santa Rita Prickly Pear	1 Gal. Cont.	60'x48'/ Low

Symbol	botanical name/ common name	condition	mature size (HxW)/ water use
	Grasses		
	Festuca idahoensis 'Siskiyou Blue'/ Siskiyou Blue Fescue	1 Gal. Cont.	18'x18'/ Medium
	Helictotrichon sempervirens/ Blue Avena Grass	1 Gal. Cont.	48'x24'/ Medium
	Miscanthus sinensis 'Gracillimus'/ Maiden Grass	1 Gal. Cont.	60'x36'/ Medium
	Miscanthus sinensis 'Purpureus'/ Purple Maiden Grass	1 Gal. Cont.	36'x18'/ Medium
	Muhlenbergia capillaris 'Regal Mist'/ Regal Mist Muhlenbergia	1 Gal. Cont.	36'x42'/ Medium
	Perennials/Vines		
	Achillea x 'Moonshine'/ Moonshine Yarrow	1 Ga. Cont.	18'x24'/ Medium
	Agastache cana/ Hierbabuena Mint	1 Ga. Cont.	30'x18'/ Medium
	Aquilegia caerulea/ Yerba de Manso	1 Ga. Cont.	18'x24'/ Medium
	Artemisia x 'Powis Castle'/ Powis Castle Sage	1 Ga. Cont.	36'x30'/ Medium
	Campsis radicans 'Flava'/ Yellow Trumpet Vine	1 Ga. Cont.	Vine/ Medium
	Calyptocarpus glandonensis 'Dark Knight'/ Dark Night Blue Mist Spirea	1 Ga. Cont.	48 x48'/ Medium
	Ceratostigma plumbaginoides/ Desert Plumbago	1 Ga. Cont.	12'x18'/ Medium
	Hymenoxys acaulis/ Angelita Daisy	1 Ga. Cont.	12'x12'/ Low
	Lavandula angustifolia 'Hidcote Superior'/ Hidcote Superior Lavender	1 Ga. Cont.	18'x18'/ Medium
	Linum lewisii 'Appar'/ Appar Blue Flax	1 Ga. Cont.	18'x18'/ Medium
	Penstemon strictus/ Rocky Mountain Penstemon	1 Ga. Cont.	24'x36'/ Medium
	Salvia greggii 'Wild Thing'/ Wild Thing Bush Sage	1 Gal. Cont.	30'x36'/ Low
	Salvia verticillata 'May Night'/ May Night Sage	1 Gal. Cont.	18'x18'/ Medium
	Tagetes filamentosa/ Mexican Marigold	1 Ga. Cont.	12'x24'/ Medium
	Wisteria sinensis/ Chinese Wisteria	1 Ga. Cont.	Vine/ Medium

FURNISHINGS

- 6' Bench w/ Back
- 6' Collegiate Bench
- Waste Receptacle
- Sculpture/Art
- Tree Guard
- Planter - portable, color & style
- Bike Rack
- Pedestrian Scale Pole Light height 15'-6"
- Area Pole Light height 20'-10"
- Street Pole Light (to match existing)

Dekker/Perich/Sabatini
architecture • interiors • planning • engineering

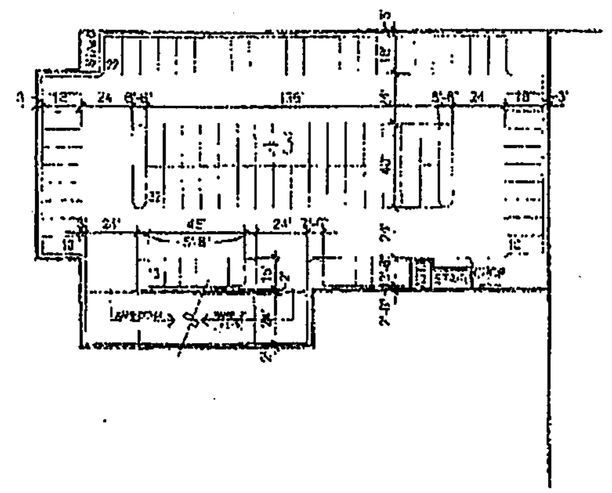
UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 350
Albuquerque, New Mexico 87103

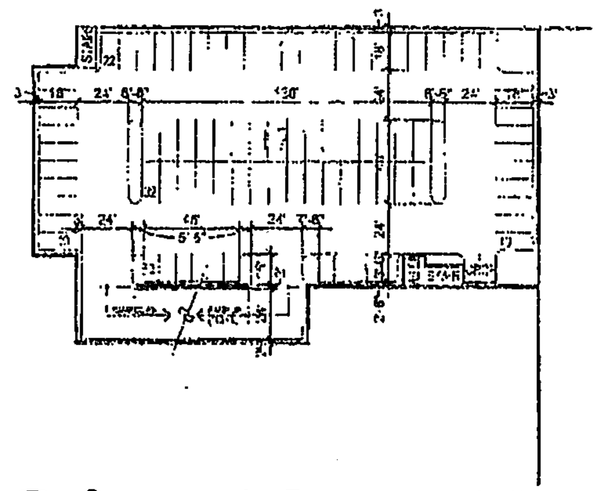
GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-2677

Enlarged Landscape Plans

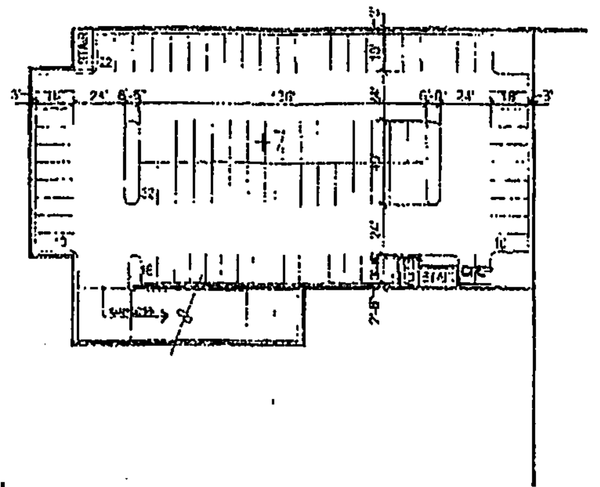
11/05/2002
sheet: 07 of 21



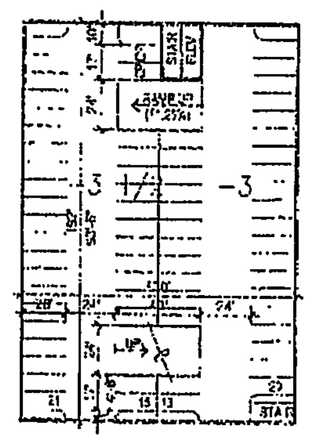
3 Garage 1 Plan–Level 4
Scale: 1"=50'-0"
87 SPACES



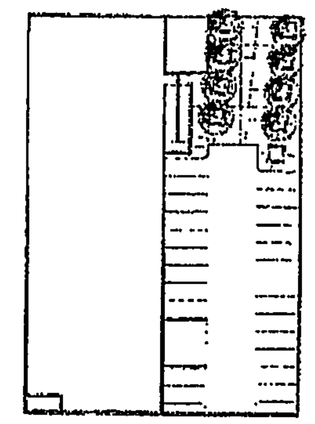
6 Garage 1 Plan–Level 7
Scale: 1"=50'-0"
87 SPACES



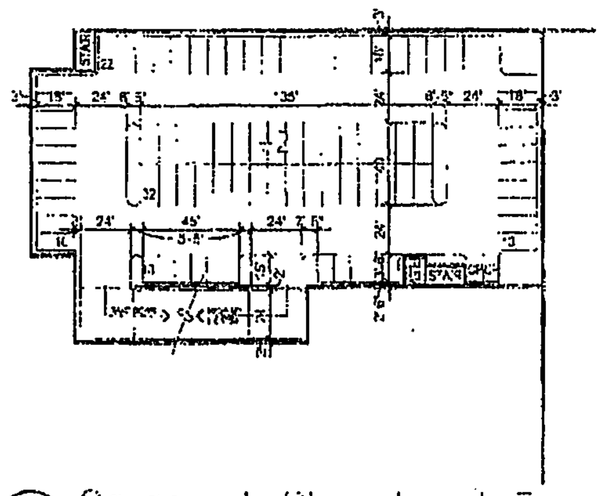
6a Garage 1 Plan–Level 8
Scale: 1"=50'-0"
90



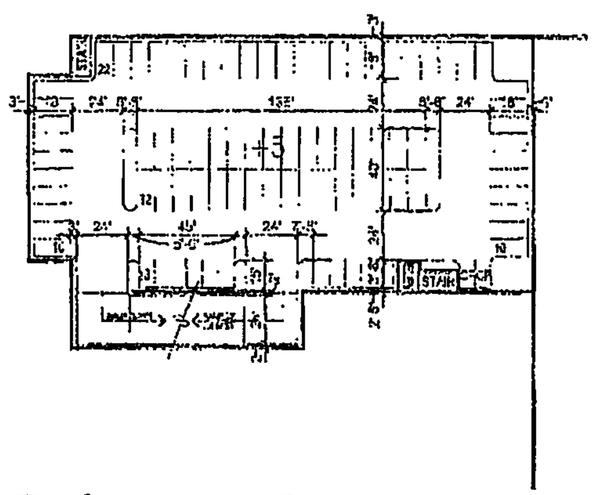
9 Garage 2 Plan–Level 4
Scale: 1"=50'-0"
69 SPACES



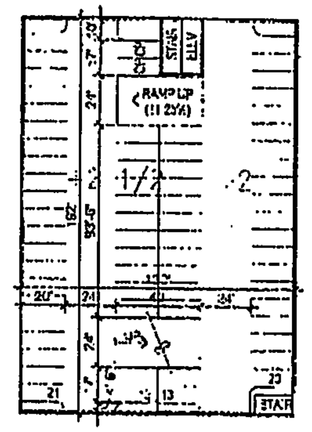
12 Garage 2 Plan–Level 7
Scale: 1"=50'-0"
24 SPACES



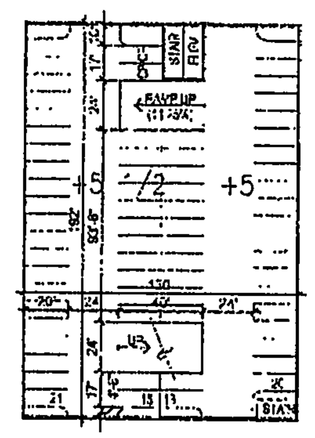
2 Garage 1 Plan–Level 3
Scale: 1"=50'-0"
87 SPACES



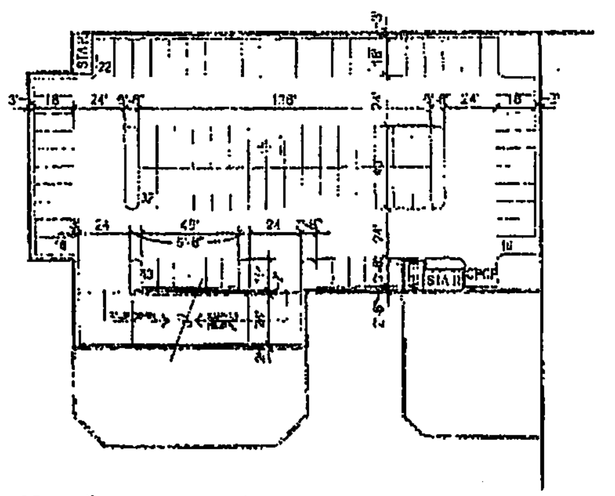
5 Garage 1 Plan–Level 6
Scale: 1"=50'-0"
87 SPACES



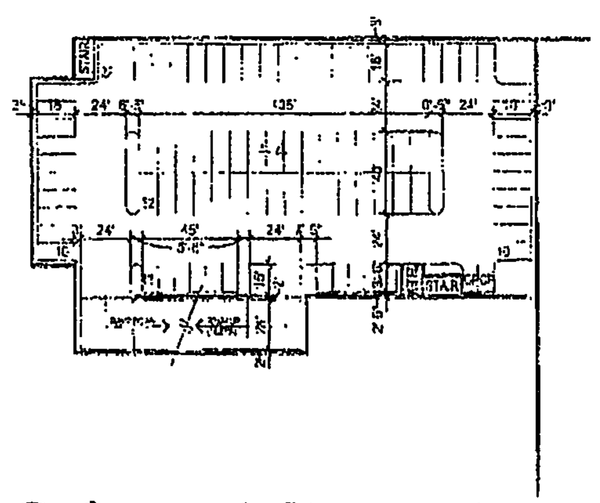
8 Garage 2 Plan–Level 3
Scale: 1"=50'-0"
69 SPACES



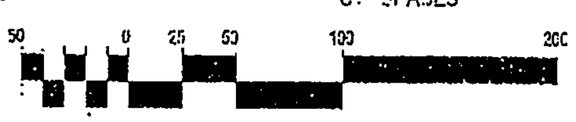
11 Garage 2 Plan–Level 6
Scale: 1"=50'-0"
69 SPACES

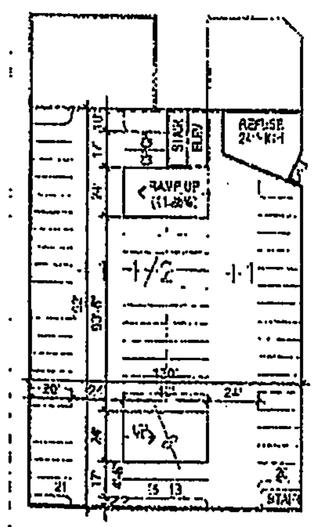


1 Garage 1 Plan–Level 2
Scale: 1"=50'-0"
87 SPACES

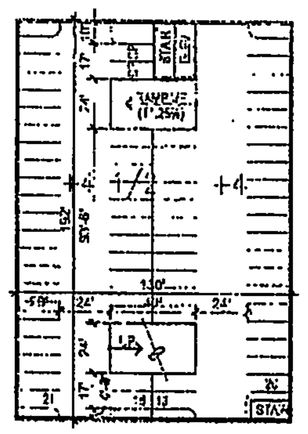


4 Garage 1 Plan–Level 5
Scale: 1"=50'-0"
87 SPACES





7 Garage 2 Plan–Level 2
Scale: 1"=50'-0"
69 SPACES



10 Garage 2 Plan–Level 5
Scale: 1"=50'-0"
69 SPACES

*****

UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 350
Albuquerque, New Mexico 87102

GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9677

PARKING GARAGE PLANS

11/05/2002
sheet: 08 of 21

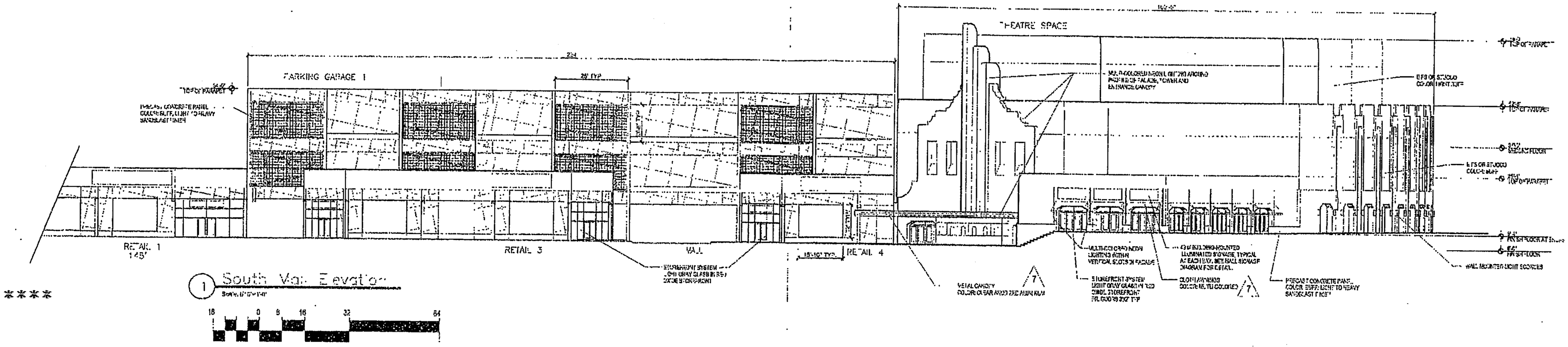
UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 350
Albuquerque, New Mexico 87103

GEORGE RANKHART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-6877

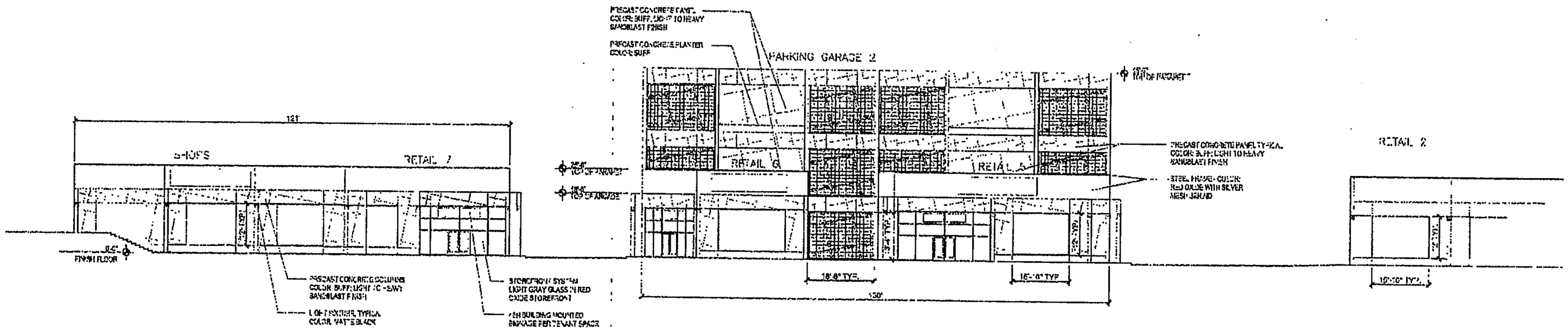
SHEET NOT USED

11/05/2002
sheet: 09 of 21



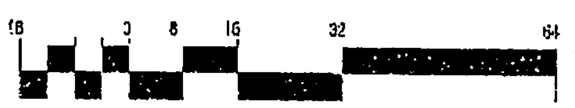
1 South Wall Elevation

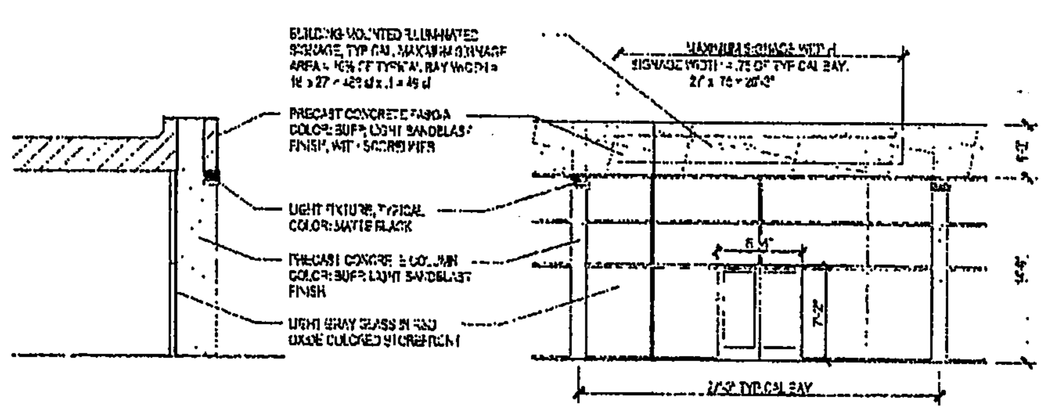
Scale: 1/8"=1'-0"



2 North Mall Elevation

Scale: 1/ 8"=1'-0"





3 Typical Mall Bay and Section

Scale: 3/8"=1'-0"

Dekker/Perich/Sabatini

architecture • interiors • planning • engineering

UPTOWN SPECTRUM

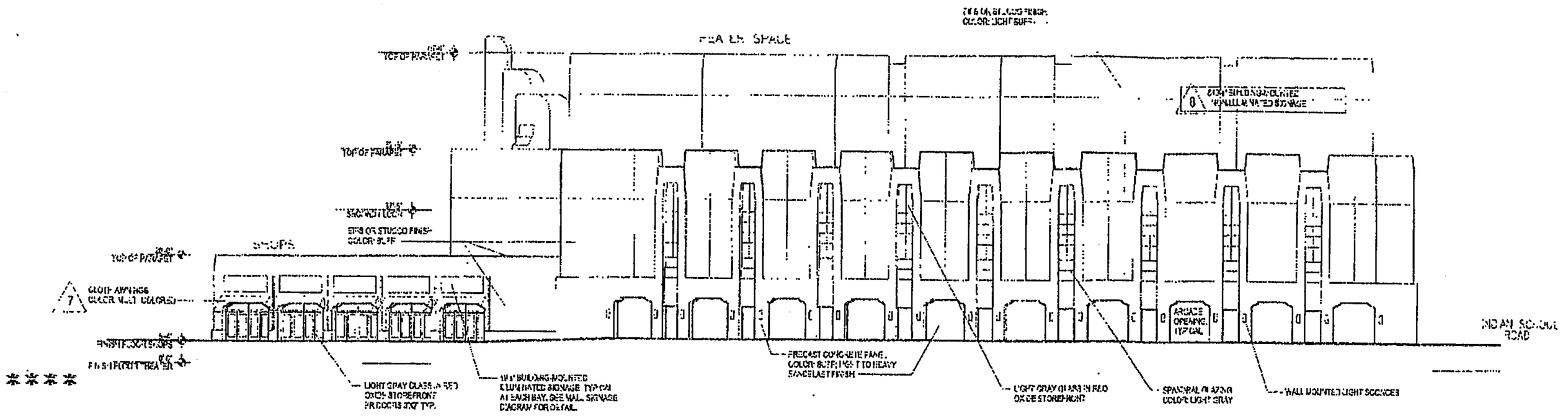
DRB SUBMITTAL

HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
200 Marquette, NW Suite 350
Albuquerque, New Mexico 87103

GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2328 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

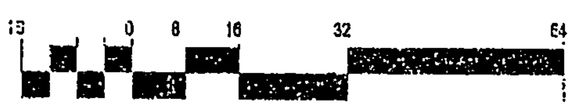
THEATER + RETAIL 5/6/7

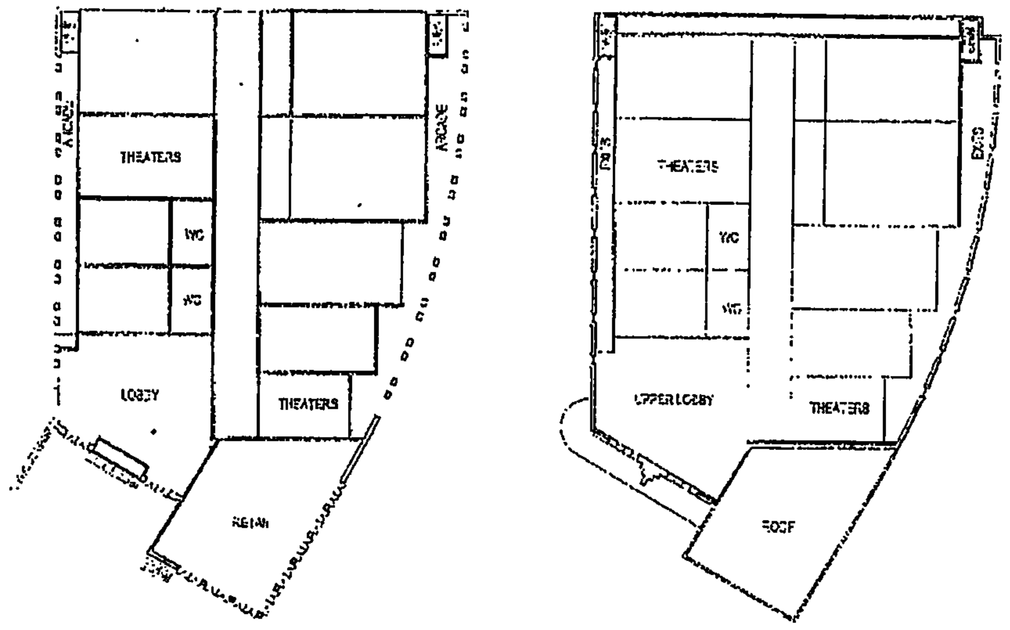
11/08/2002



1 East Elevation @ Theater

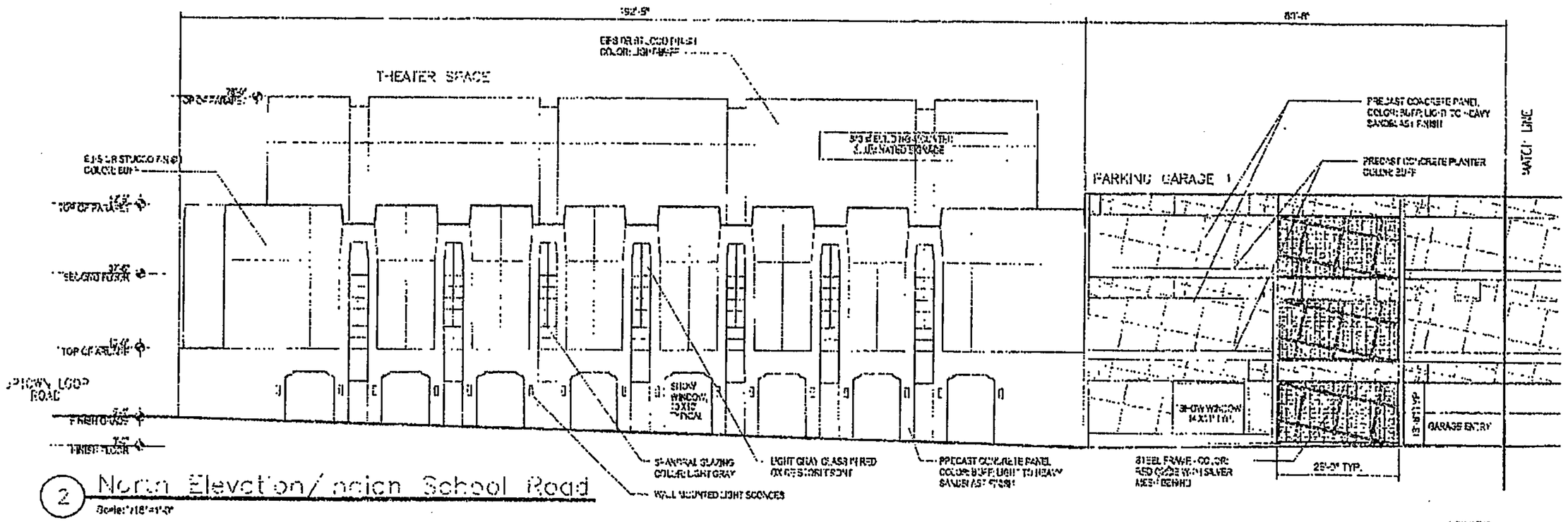
Scale: 1/16"=1'-0"





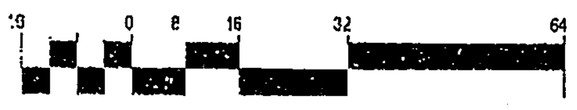
4 Conceptual Theater Floor Plan

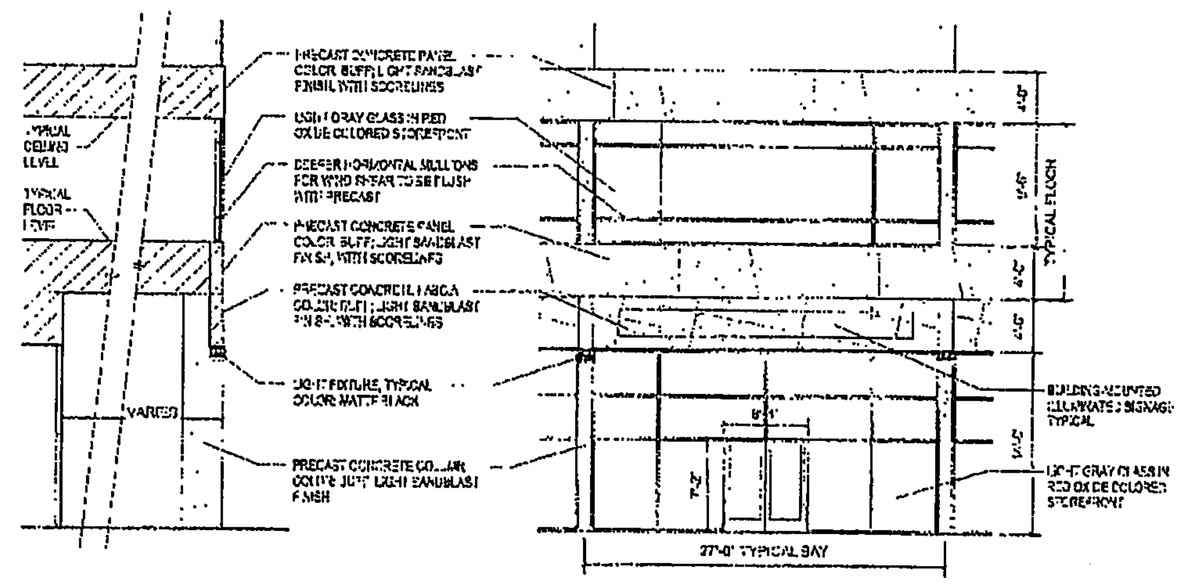
Scale: 1"=50'



2 North Elevation/Indian School Road

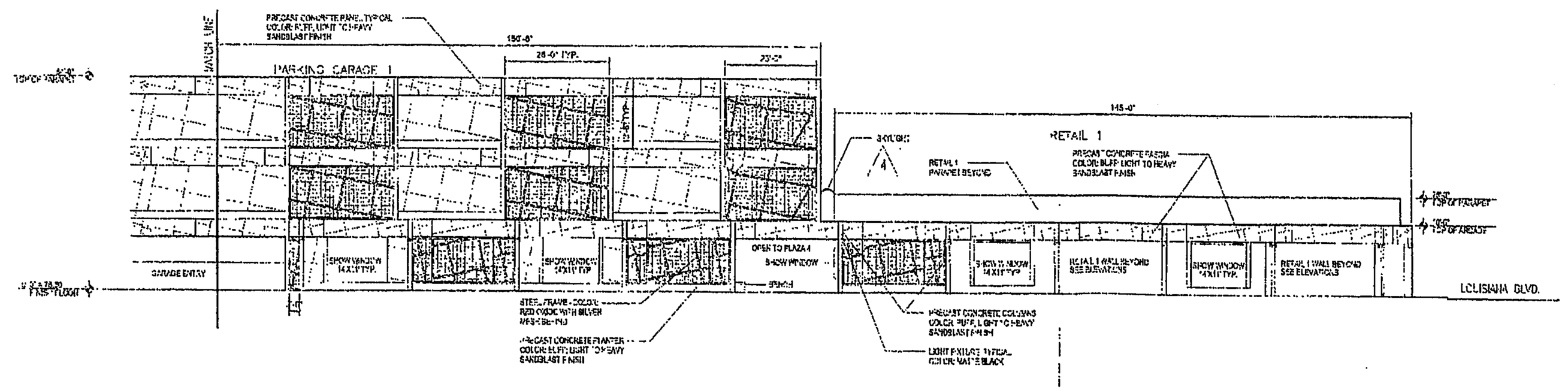
Scale: 1/16"=1'-0"





3 Typical Bay and Section

Scale: 1/8"=1'-0"



NOTE:
THE ELEVATIONS GIVEN ARE RELATIVE FROM THE "0'-0" FINISH FLOOR" ELEVATION GIVEN ON EACH ELEVATION AND/OR SECTION, AND DIFFER FROM ONE ANOTHER.

Dekker/Perich/Sabatini
architecture • interiors • planning • engineering

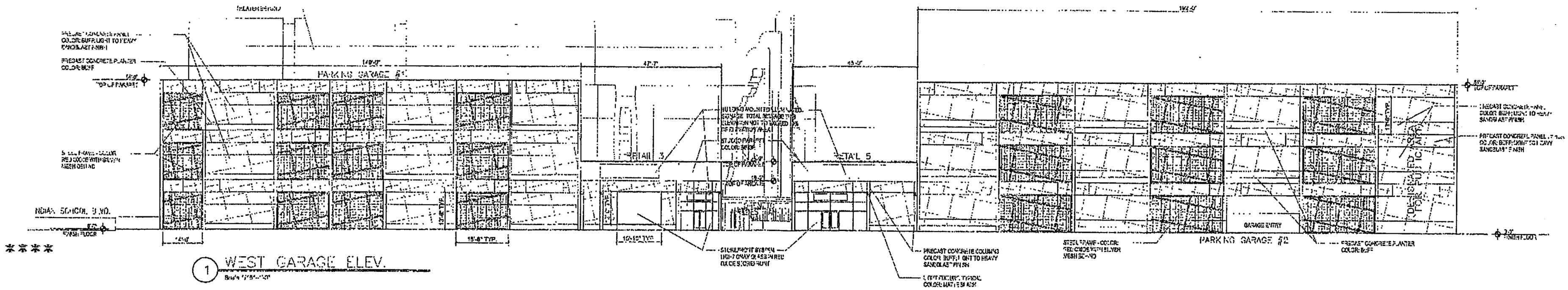
UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 550
Albuquerque, New Mexico 87103

GEORGE RAINHART, ARCHITECT – ASSOCIATES P.C.
2025 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

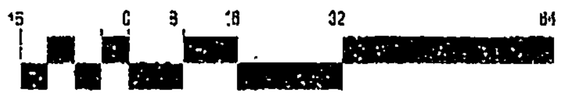
THEATER + GARAGE

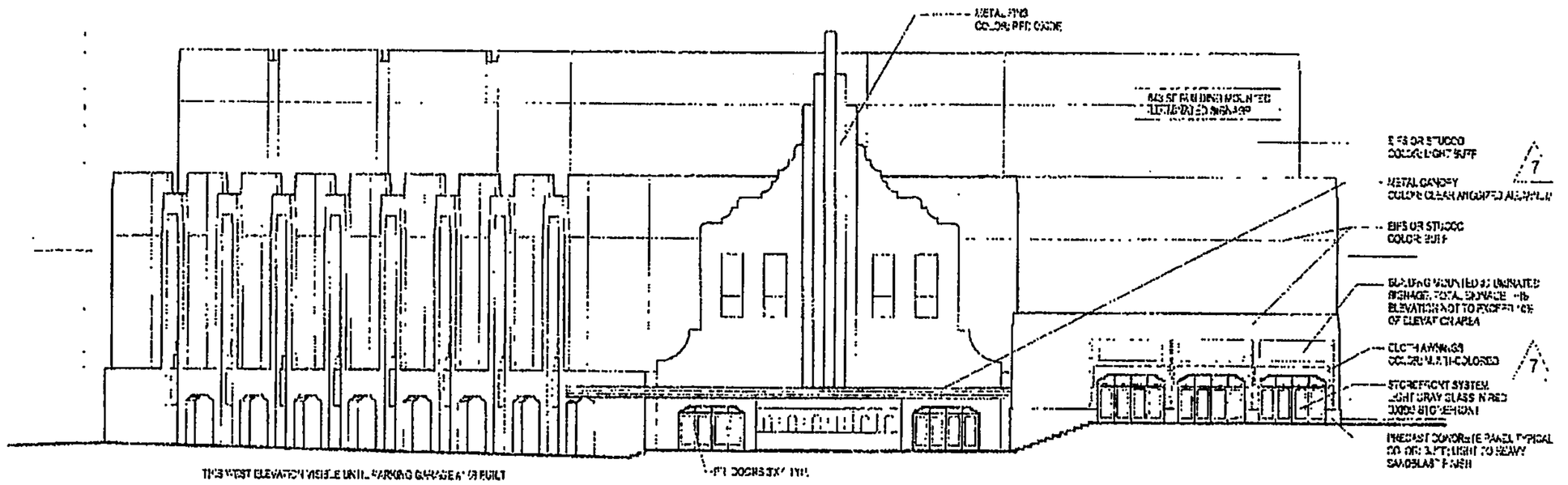
11/05/2002
sheet: 11 of 21



1 WEST GARAGE ELEV.

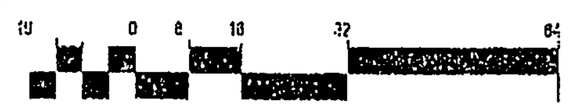
Scale: 1/16"=1'-0"

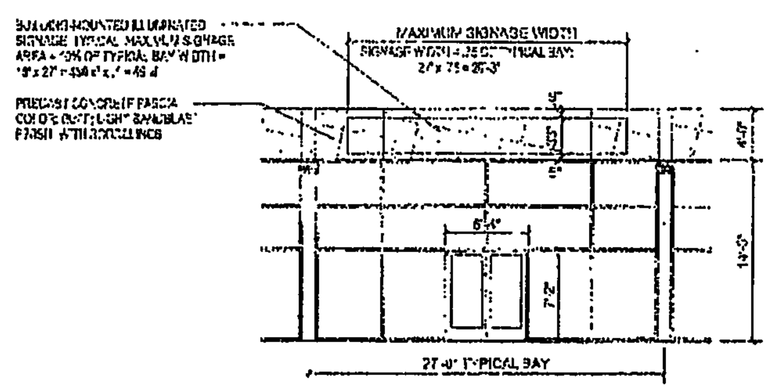


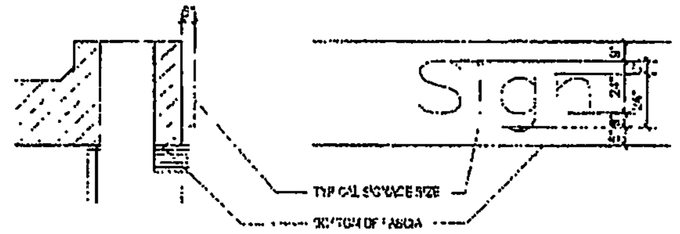


4 SOUTHWEST THEATER ELEV.

Scale: 1/16"=1'-0"

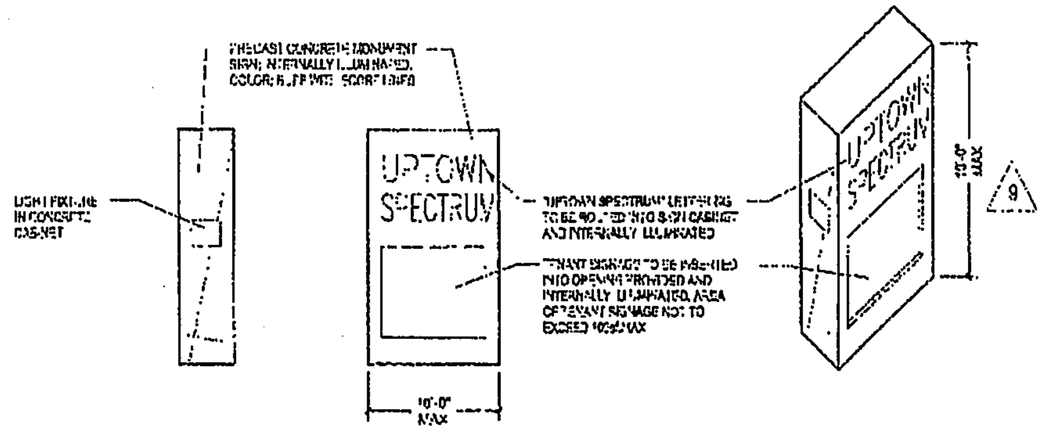






2 Signage for Wall Shops

Scale: 1/4"=1'-0"



3 Monument Signage

Scale: 1/4"=1'-0"

10 SIGNAGE CRITERIA for UPTOWN PLAZA

SIGNS FOR STRUCTURES OTHER THAN SHOPS

A. WORDING SHALL BE LIMITED TO THE NAME OF THE USER/OWNER, EACH PARTY'S CUSTOMARY SIGNATURE OR LOGO, TRADEMARK, INSIGNIA OR OTHER TRADE IDENTIFICATION WILL BE RESPECTED.

B. ALL SIGNS MUST BE INTERNALLY ILLUMINATED AND CONNECTED TO TENANT'S ELECTRICAL SERVICE

C. LIGHT BOXES WILL NOT BE PERMITTED

D. SIGNS WITH INDIVIDUALLY ILLUMINATED LETTERS SHOULD HAVE LAMPS OR TUBES ENTIRELY CONCEALED WITHIN THE DEPTH OF THE LETTER WITH TRANSLUCENT PLASTIC FACE WITH NO VISIBLE OPENINGS

E. REVERSE CHANNEL LETTER SIGNS ARE NOT PERMITTED.

F. SIGNS SHALL NOT PROJECT MORE THEN 9" FROM THE FACE OF THE STOREFRONT

G. NO ANIMATED COMPONENTS, FLASHING LIGHTS, PAINTED PLASTIC, OR PLASTIC OR MOLDED PLASTIC SIGNS ARE PERMITTED.

H. THERE SHALL BE NO EXPOSED CONDUITS, TRANSFORMERS, OR OTHER ELECTRICAL CONNECTIONS.

I. BANNERS MAY BE USED PER THE REGULATIONS IN THE CITY ZONING CODE.

J. TENANT SHALL NOT INSTALL ANY ROOF TOP SIGNS.

K. LETTERING ON DOORS, WINDOWS, OR ON SHOW WINDOWS MAY NOT BE ILLUMINATED OR EXPOSED EXTERIOR OR INTERIOR, SHALL NOT EXCEED 3" IN HEIGHT AND SHALL BE SUBMITTED FOR APPROVAL. EACH TENANT WILL BE PERMITTED TO PLACE UPON EACH ENTRANCE OF THE LEASED PREMISES NOT MORE THAN SIX (6) SQUARE INCHES (NOT A SIZE EXCLUDED) EACH GROUP OF LETTERS, SYMBOLS OR LOGOS OF GOLD LEAF OR DECAL APPLICATIONS LETTERING, NOT TO EXCEED 3" IN SIZE OTH, INDICATING HOURS OF BUSINESS, TELEPHONE NUMBERS AND ADDRESS AS REQUIRED BY LOCAL AUTHORITIES. NO TEMPORARY OR PERMANENT PAPER SIGNS OR DECALS SHALL BE PERMITTED TO BE APPLIED TO THE INTERIOR OR EXTERIOR FACES OF THE STOREFRONT GLASS OR OTHER STOREFRONT MATERIALS.

L. MAXIMUM SIZE OF "INDIVIDUAL LETTERS AREA AS FOLLOWS (SEE ATTACHED DIAGRAM):
72" FOR CAPITALS ABOVE 36".
60" FOR CAPITALS BELOW 36".
48" FOR LOWER CASE ABOVE 36".
42" FOR LOWER CASE BELOW 36".

M. SEE PLANS FOR MAXIMUM OVERALL SIGN SIZE.

SIGNAGE NOTES

A. NO ILLUMINATED SIGNAGE IS PERMITTED ON THE EAST BUILDING FACADES FROM 23RD ST. TO SAN PEDRO. ON THE UPPER MOST BUILDING ELEVATION.

B. SIGNAGE SHALL NOT EXCEED THE UPTOWN SECTOR PLAN AND FOR THE SIGNAGE CRITERIA APPROVED BY THE DRB.

C. AWNINGS/AWNINGS MAY BE LOCATED ON THE RETAIL ATTACHED TO THE THEATER AND ON THE HOTEL.

SIGNAGE CRITERIA for UPTOWN PLAZA

SIGNS FOR THE MALL SHOPS

A. WORDING SHALL BE LIMITED TO THE NAME OF THE USER/OWNER, EACH PARTY'S CUSTOMARY SIGNATURE OR LOGO TRADEMARK, INSIGNIA OR OTHER TRADE IDENTIFICATION WILL BE RESPECTED.

B. ALL SIGNS MUST BE COMPATIBLE TO COLOR AND MATERIALS OF TENANT'S STOREFRONT

C. ALL SIGNS SHALL BE INTERNALLY ILLUMINATED AND CONNECTED TO TENANT'S ELECTRICAL SERVICE.

D. LIGHT BOXES WILL NOT BE PERMITTED.

E. SIGNS WITH INDIVIDUALLY ILLUMINATED LETTERS SHOULD HAVE LAMPS OR TUBES ENTIRELY CONCEALED WITHIN THE DEPTH OF THE LETTER WITH TRANSLUCENT PLASTIC FACE WITH NO VISIBLE OPENINGS

F. REVERSE CHANNEL LETTER SIGNS ARE NOT PERMITTED.

G. SIGNS SHALL NOT PROJECT MORE THAN 9" FROM THE FACE OF THE SIGNBAND.

H. NO ANIMATED COMPONENTS, FLASHING LIGHTS, PAINTED PLASTIC, OR PLASTIC OR MOLDED PLASTIC SIGNS ARE PERMITTED.

I. EXCEPT AS OTHERWISE APPROVED BY LANDLORD, ONLY ONE SIGN PER TENANT WILL BE PERMITTED

J. THERE SHALL BE NO EXPOSED CONDUITS, TRANSFORMERS OR OTHER ELECTRICAL CONNECTIONS.

K. BANNERS MAY BE USED PER THE REGULATIONS IN THE CITY ZONING CODE.

L. TENANT SHALL NOT INSTALL ANY ROOF TOP SIGNS.

M. LETTERING ON DOORS, WINDOWS, OR ON SHOW WINDOWS MAY NOT BE ILLUMINATED OR EXPOSED EXTERIOR OR INTERIOR, SHALL NOT EXCEED 3" IN HEIGHT AND SHALL BE SUBMITTED FOR APPROVAL. EACH TENANT WILL BE PERMITTED TO PLACE UPON EACH ENTRANCE OF THE LEASED PREMISES NOT MORE THAN SIX (6) SQUARE INCHES (NOT A SIZE EXCLUDED) EACH GROUP OF LETTERS, SYMBOLS OR LOGOS OF GOLD LEAF OR DECAL APPLICATIONS LETTERING, NOT TO EXCEED 3" IN HEIGHT, INDICATING HOURS OF BUSINESS, TELEPHONE NUMBERS, AND ADDRESS AS REQUIRED BY LOCAL AUTHORITIES. NO TEMPORARY OR PERMANENT PAPER SIGNS OR DECALS SHALL BE PERMITTED TO BE APPLIED TO THE INTERIOR OR EXTERIOR FACES OF THE STOREFRONT GLASS OR OTHER STOREFRONT MATERIALS.

N. TENANT SIGNS SHALL NOT EXCEED SEVENTY-FIVE PERCENT (75%) OF THE TENANT'S FOOTAGE IN WIDTH. LETTERS SHALL CONFORM TO THE FOLLOWING MAXIMUM SIZES:

72" FOR CAPITALS
48" FOR LOWER CASE
SPLENDORA OR
1 1/2" MINIMUM STROKE

O. SEE PLANS FOR MAXIMUM OVERALL SIGN SIZE.

NOTE
THE ELEVATIONS GIVEN ARE RELATIVE FROM THE "0'-0" FINISH FLOOR" ELEVATION GIVEN ON EACH ELEVATION AND/OR SECTION, AND DIFFER FROM ONE ANOTHER.

Dekker/Perich/Sabatini
architecture • interiors • planning • engineering

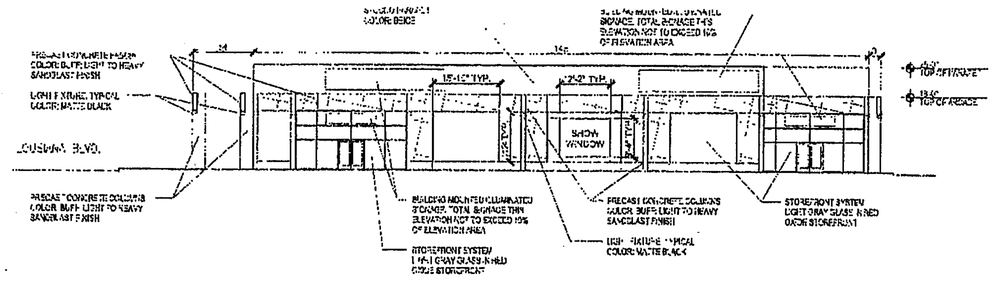
UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 360
Albuquerque, New Mexico 87103

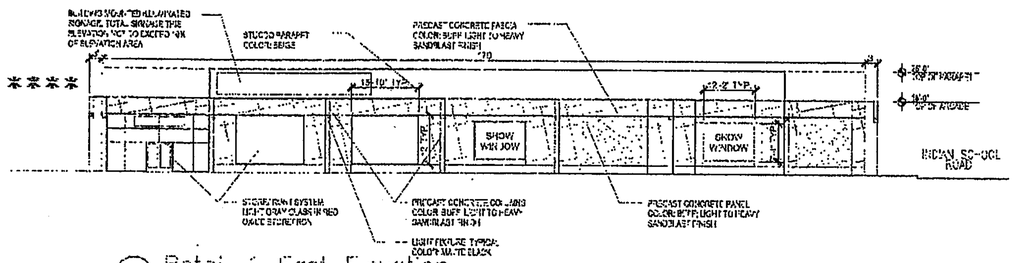
GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
8325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-0877

WEST GARAGE ELEV.

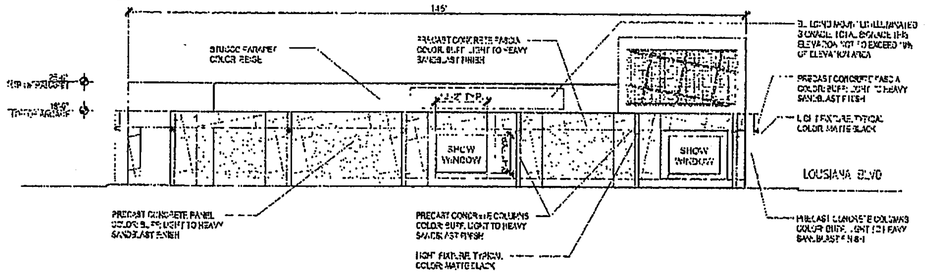
11/06/2002
sheet: 12 of 21



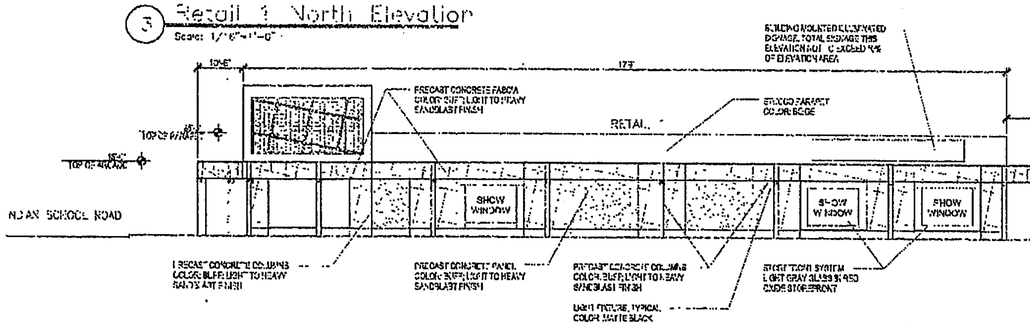
1 Retail 1 South Elevation
Scale: 1/16"=1'-0"



2 Retail 1 East Elevation
Scale: 1/16"=1'-0"



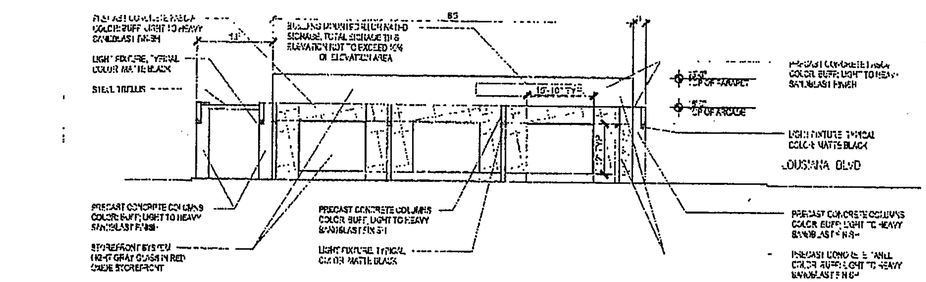
3 Retail 1 North Elevation
Scale: 1/16"=1'-0"



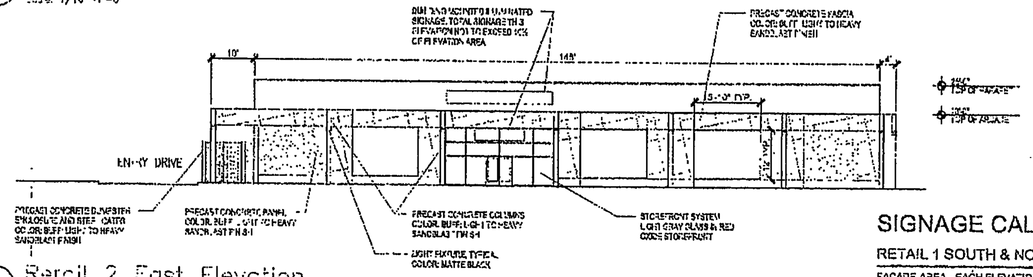
7 Louisiana Blvd. Elevation
Scale: 1/16"=1'-0"

Office/Retail 1 and 2 West Elevation

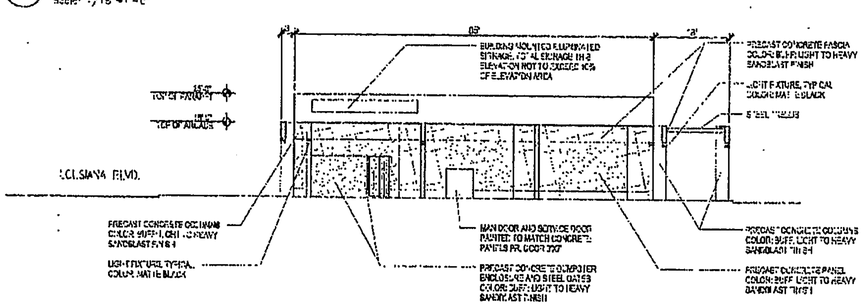
16 0 8 16 32 64



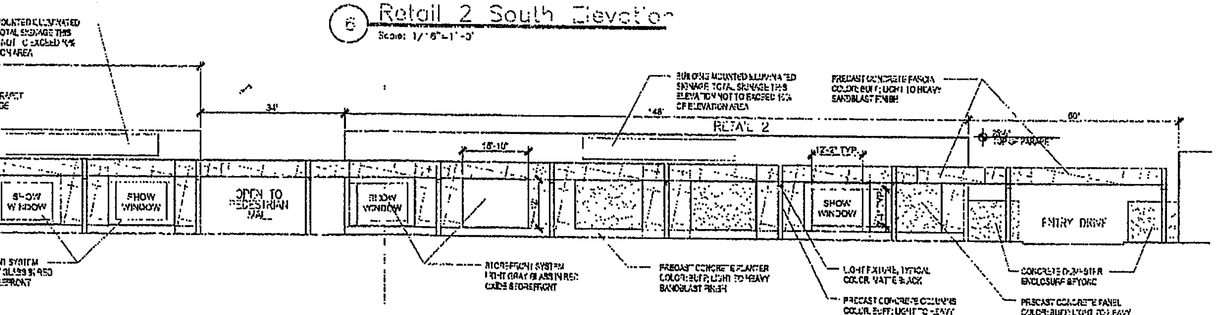
4 Retail 2 North Elevation
Scale: 1/16"=1'-0"

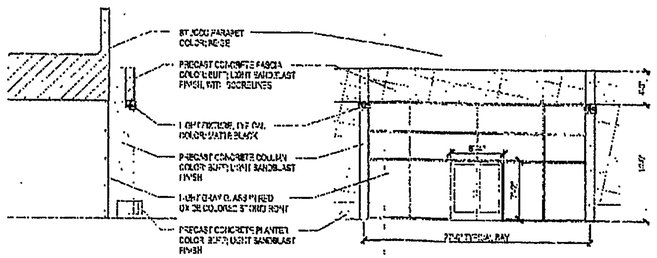


5 Retail 2 East Elevation
Scale: 1/16"=1'-0"



6 Retail 2 South Elevation
Scale: 1/16"=1'-0"





8 Retail 1 & 2 Bay and Section
Scale: 1/8"=1'-0"

NOTE:
THE ELEVATIONS SHOWN ARE REPRESENTATIVE FROM THE WORST-CASE FLOOR ELEVATION GIVEN ON EACH ELEVATION AND/OR SECTION, AND DIFFER FROM ONE ANOTHER

SIGNAGE CALCULATIONS

RETAIL 1 SOUTH & NORTH ELEVATIONS

FACADE AREA - EACH ELEVATION	3,450 sf
AREA BELOW 30'	3,450 sf
SIGNAGE PERMITTED - EACH ELEVATION	
10% OF 3,450 SF (BELOW 30') =	345 sf
SIGNAGE PROPOSED - EACH ELEVATION	
BELOW 30' =	345 sf

RETAIL 1 EAST & WEST ELEVATION

FACADE AREA - EACH ELEVATION	3,625 sf
AREA BELOW 30'	3,625 sf
SIGNAGE PERMITTED - EACH ELEVATION	
10% OF 3,625 SF (BELOW 30') =	363 sf
SIGNAGE PROPOSED - EACH ELEVATION	
BELOW 30' =	363 sf

RETAIL 2 SOUTH & NORTH ELEVATION

FACADE AREA - EACH ELEVATION	2,655 sf
AREA BELOW 30'	2,730 sf
SIGNAGE PERMITTED - EACH ELEVATION	
10% OF 2,730 SF (BELOW 30') =	273 sf
SIGNAGE PROPOSED - EACH ELEVATION	
BELOW 30' =	273 sf

RETAIL 2 EAST & WEST ELEVATION

FACADE AREA - EACH ELEVATION	3,118 sf
AREA BELOW 30'	2,970 sf
SIGNAGE PERMITTED - EACH ELEVATION	
10% OF 2,970 SF (BELOW 30') =	297 sf
SIGNAGE PROPOSED - EACH ELEVATION	
BELOW 30' =	297 sf

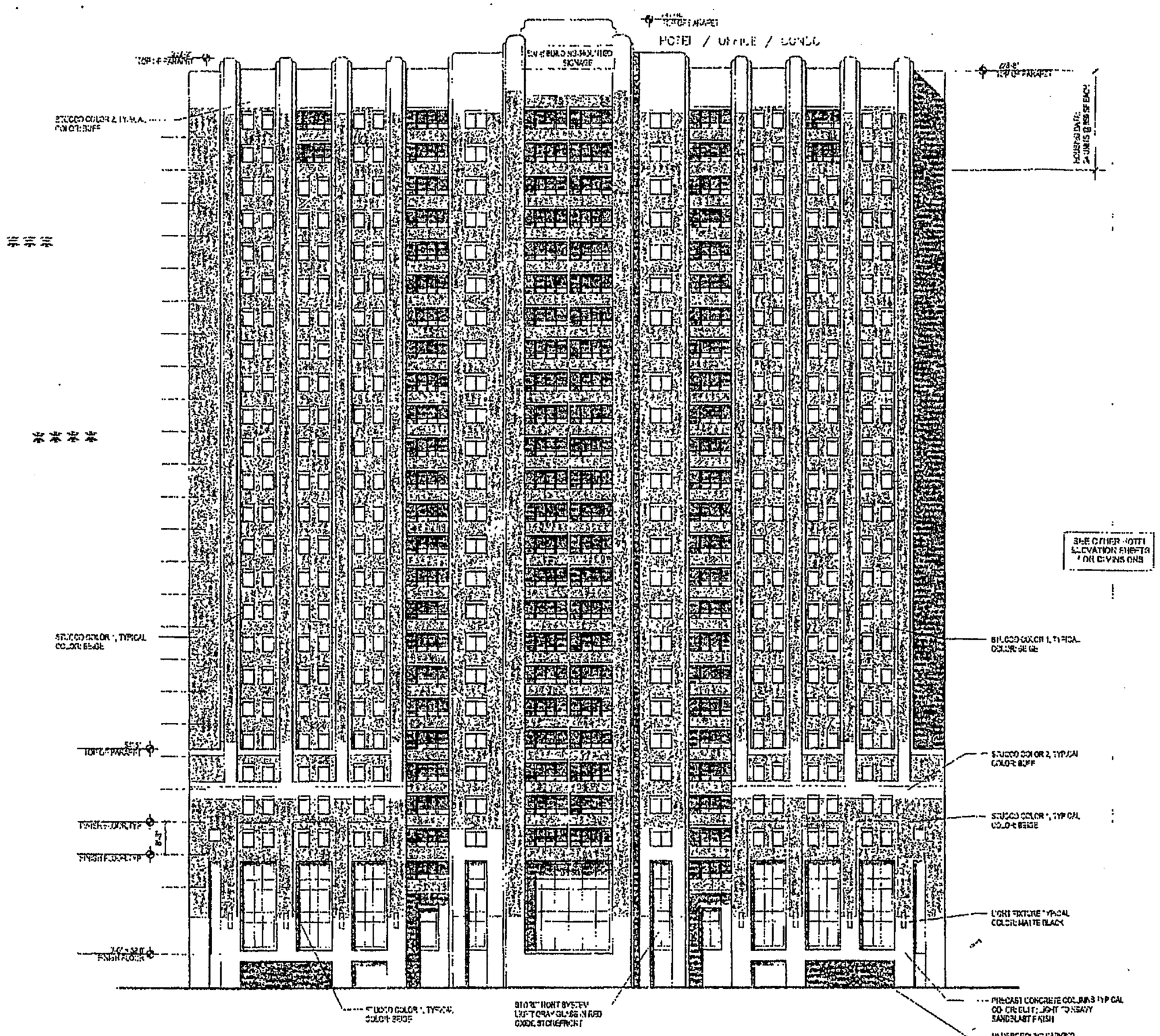
UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 350
Albuquerque, New Mexico 87103

GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

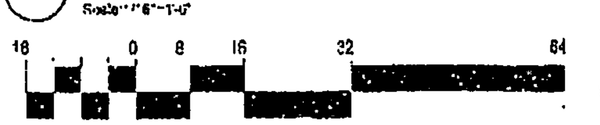
RETAIL 1+2 ELEVATIONS

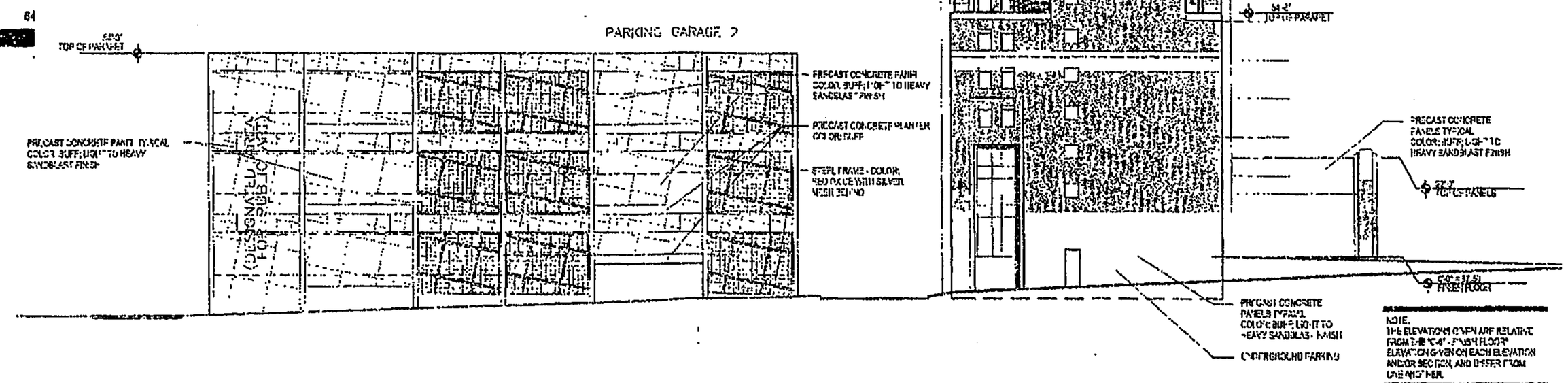
11/05/2002
sheet: 13 of 21



1 West Elevation

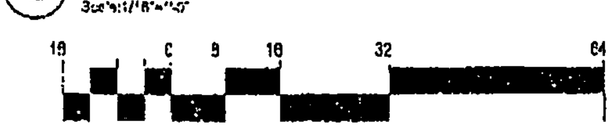
Scale: 1/16"=1'-0"





2 South Elevation

Scale: 1/16"=1'-0"



NOTE:
THE ELEVATIONS GIVEN ARE RELATIVE FROM THE "0-4" FINISH FLOOR ELEVATION GIVEN ON EACH ELEVATION AND/OR SECTION, AND DIFFER FROM ONE ANOTHER.

Notes:

1. The hotel/office/condo tower shall provide [illegible] of employees nesting to bicycle or walk to work. There shall be a reasonable number of lockers and they shall be reasonably accessible to employees. At a minimum, one shower per gender shall be provided for each 50,000 sf of office use.

2. A publicly accessible ATM shall be provided on site.

3. The hotel/office/condo shall incorporate a seating area within the ground floor lobby area, open to the public using the city transit system.

Dekker/Perich/Sabatini

architecture • interiors • planning • engineering

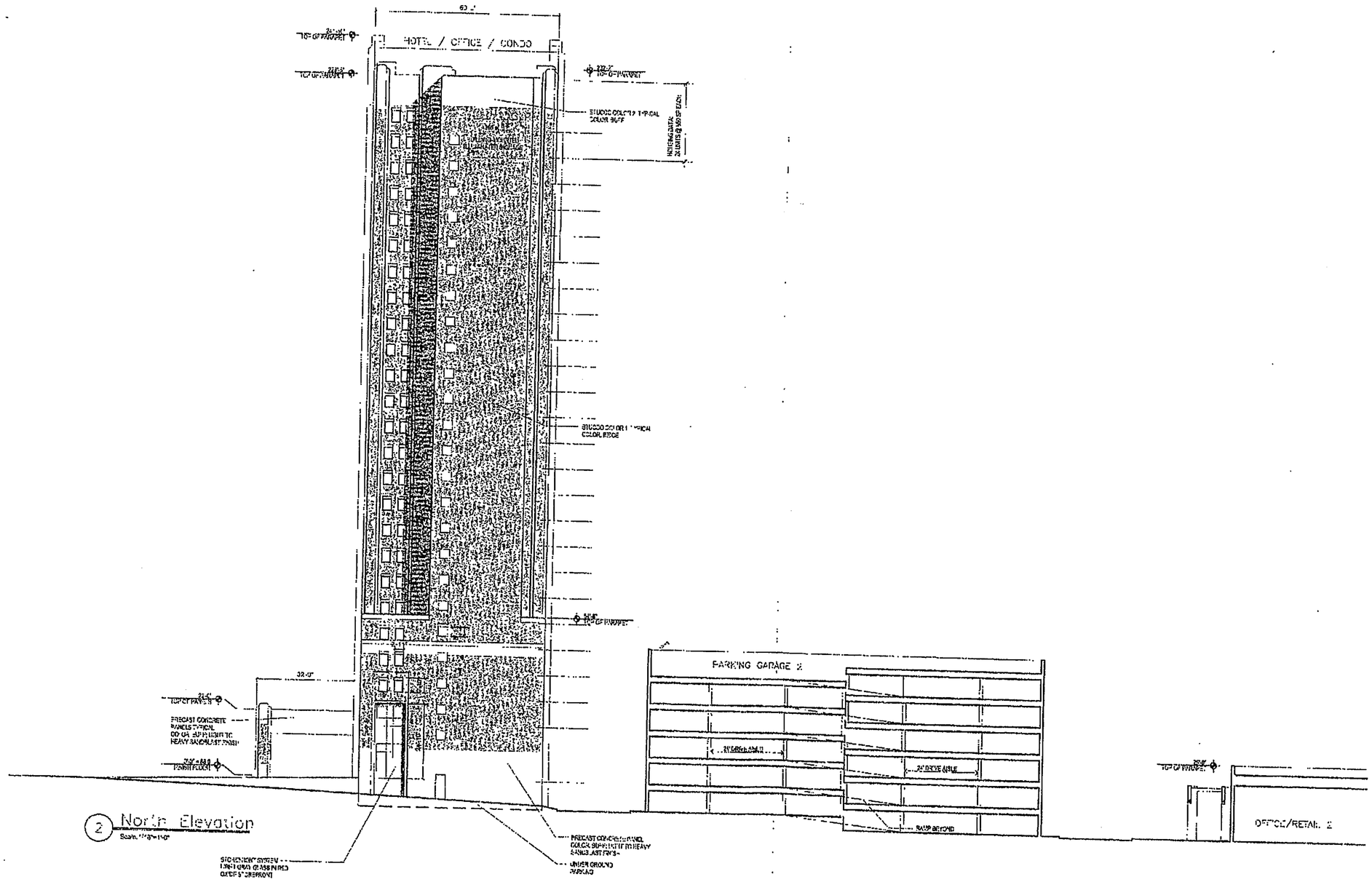
UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 350
Albuquerque, New Mexico 87103

GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

HOTEL WEST/SOUTH ELEV.

11/05/2002
sheet: 14 of 21



2 North Elevation

NOTE:
THE ELEVATIONS GIVEN ARE RELATIVE FROM THE PARK - FINISH FLOOR ELEVATION GIVEN ON EACH ELEVATION AND/OR SECTION AND DIFFER FROM ONE ANOTHER

Dekker/Perich/Sabatini
architecture • interiors • planning • engineering

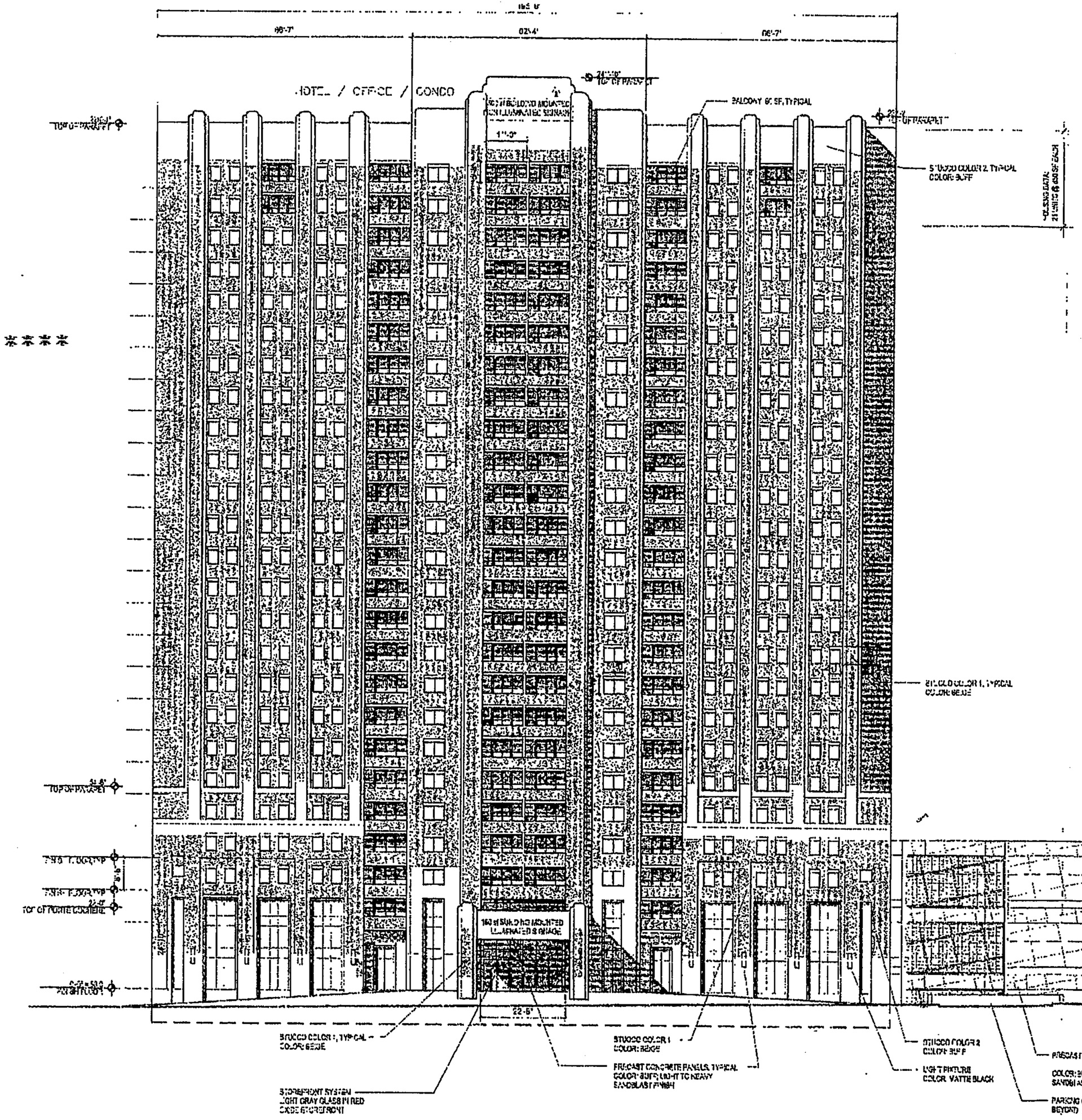
UPTOWN SPECTRUM
DRB SUBMITTAL

HUNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette NW Suite 350
Albuquerque, New Mexico 87103

GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

HOTEL NORTH ELEV.

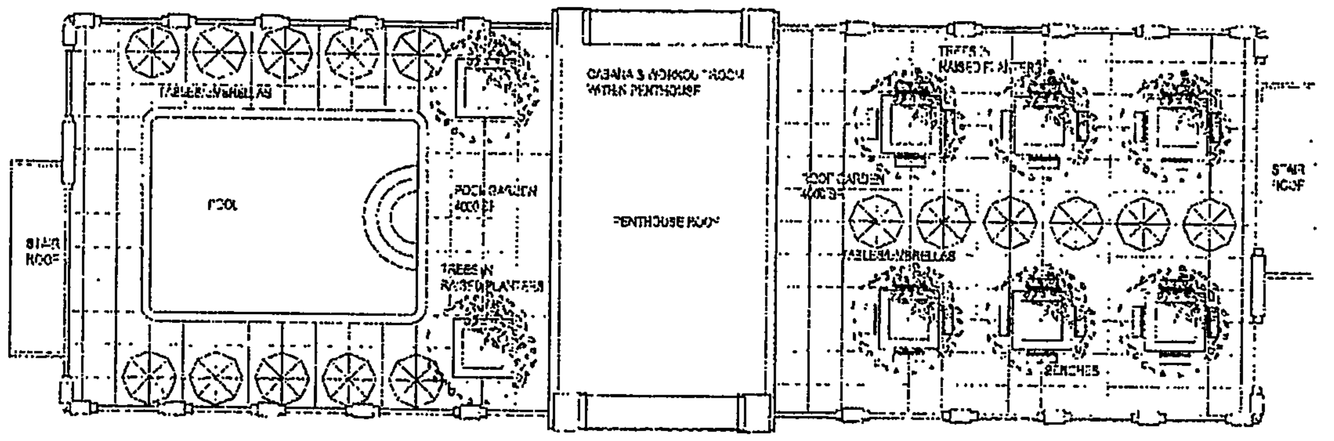
11/08/2002



East Elevation

Scale: 1/16"=1'-0"

16 0 8 16 32 64



2 Roof Garden Plan

Scale: 1/16"=1'-0"

16 0 8 16 32 64

NOTE
THE ELEVATIONS GIVEN ARE RELATIVE FROM THE TOP OF FINISH FLOOR ELEVATION GIVEN ON EACH ELEVATION AND/OR SECTION, AND IN FEET FROM ONE ANOTHER.

Dekker/Perich/Sabatini
architecture • interiors • planning • engineering

UPTOWN SPECTRUM
DRB SUBMITTAL

1UNT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 350
Albuquerque, New Mexico 87103

GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-0677

HOTEL EAST ELEV.

11/05/2002
sheet 18 of 21

Uptown Spectrum

Building Design Standards

Background

Most memorable and successful cities provide not only a unique urban experience, but also a cultural experience identifiable with their location. New Mexico is world renowned as a one of a kind, special place. Uptown Spectrum will capitalize on that reputation by integrating New Mexican iconographic elements in its architecture. The authenticity associated with the various New Mexico architectural styles, art and natural materials will be used to create urban texture and celebrate our diversity while also providing continuity with this enchanted place.

These standards are provided to facilitate the evolution of a rich urban texture within Uptown Spectrum. Individual buildings shall be designed based on one of the listed architectural styles and according to the following standards.

Architectural Styles of New Mexico:

Northern New Mexico: Light tan stucco with pitched corrugated metal roof and oversized window trim appointments. Deep overhung, roofed and trellised outdoor patio space.

Santa Fe Railroad: Industrial brick warehouse with oversized exposed structure, precast architectural concrete parapets and sills, and exposed steel lintels. Deep overhung, soffited outdoor spaces. Awnings over punched windows.

Spanish Mission: Very light earth-colored stucco with curved and stepped wall forms. Heavy window and door lintels. A mix of pitched and flat roofs, and precast architectural concrete parapet caps. Light trellising and terraced patio elements, and inwardly focused courtyard spaces. Awnings over windows.

Mountain Timber: Oversized timber frame with pitched metal roof and natural stone veneer. Oversized trellising elements.

New Mexico Territorial: Earth toned stucco wall surfaces with brick copings and white painted wood trim with pediments and dentals at openings.

Pueblo Deco: An eclectic mix of art deco and pueblo styles with monotone field and localized saturated accent color, in a more formal manner. High play of figure/ground.

Northern New Mexico Pueblo: Medium to darker earth-toned stucco with simple stepped parapet walls and protruding structural members expressed beyond wall plane.

Anasazi: Very simple circular, rectangular and arced organizational forms in unit masonry with structural protrusion expressed beyond wall plane. Heavy use of multi-level terracing.

National Labs Tech: Metal panels, stucco, glass, metal awnings, with a horizontal nature influenced by modern architecture, materials and technologies

Route 66 Deco: Art deco influenced forms with a streamlined appearance reminiscent of 1930's diners. Brightly colored metallic trim with neon lighting accents.

Intent:

To celebrate the uniqueness of New Mexico's culture through utilization of its various architectural styles and iconography.

To create an architecturally diverse urban texture by varying the styles of individual buildings within Uptown Spectrum.

Standards:

1. Building architecture shall relate to one of New Mexico's indigenous architectural styles. Designs may be based on prototypical 'trade dress' of national tenants with changes of materials or roof forms to reflect one of the architectural styles listed above. Each individual building shall be designed to reflect only one of the styles, not a conglomeration of several.

2. Building exteriors shall be constructed of high quality, long lasting materials, particularly where people come in contact with them. The use and location of materials shall be consistent with their inherent qualities and relationship to the selected architectural style.

3. All building faces shall be architecturally treated to compliment the selected architectural style. Blank building facades are not allowed.

4. Service areas and ground mounted mechanical/utility devices shall be screened from view with architecturally compatible screening elements such as walls or mature landscaping. Rooftop mounted mechanical equipment shall be concealed with architecturally compatible screens at least as tall as the highest part of the equipment.

5. Fenestration shall reflect the activities within the building. Glazing is encouraged on all sides of buildings. Windowless facades enclosing service and utility spaces shall be architecturally detailed to compliment the overall design of the building.

6. Building entries shall be architecturally articulated to make their presence obvious to pedestrians on the street.

7. Shading of outdoor gathering spaces is encouraged through the use of architecturally compatible shading devices or mature landscaping.

8. Roof forms shall be an integral part of the overall building design.

9. Signage shall comply with the City of Albuquerque Zoning Ordinance and the Uptown Sector Plan.

10. Sustainability shall be considered in the design of all buildings within Uptown Spectrum.

Uptown Spectrum

Landscape Design Standards

Intent:

To reinforce the project identity

To provide visual and physical relief from large buildings, expanses of paving and their effects on microclimate.

To provide order and continuity in coordination with the projects organizational structure.

To reinforce the sense of project quality.

To provide buffers, transitions and screens between uses.

To be sensitive to water conservation.

Standards:

General

1. The configuration and design of planting areas shall be compatible with landscaping on adjacent properties.

2. Earth berms shall have a maximum slope of 3:1 and shall be stabilized with plant materials and mulch.

3. All disturbed areas without paving or structures shall be stabilized with natural materials dominated by plant material.

Landscape Plan

1. All landscape areas shall receive irrigation via a fully automated irrigation system.

2. All irrigation systems shall be designed to accommodate non-potable water.

3. Low-flow irrigation techniques shall be utilized.

Plant Material

1. Regional native plants from the Southwestern U.S. and Northern Mexico shall be featured in the landscape design.

2. Low water use, heat and drought tolerant plant material shall be included in the landscape design.

3. Landscaping shall provide seasonal color, texture and shade.

Dekker/Perich/Sabatini
architecture • interiors • planning • engineering

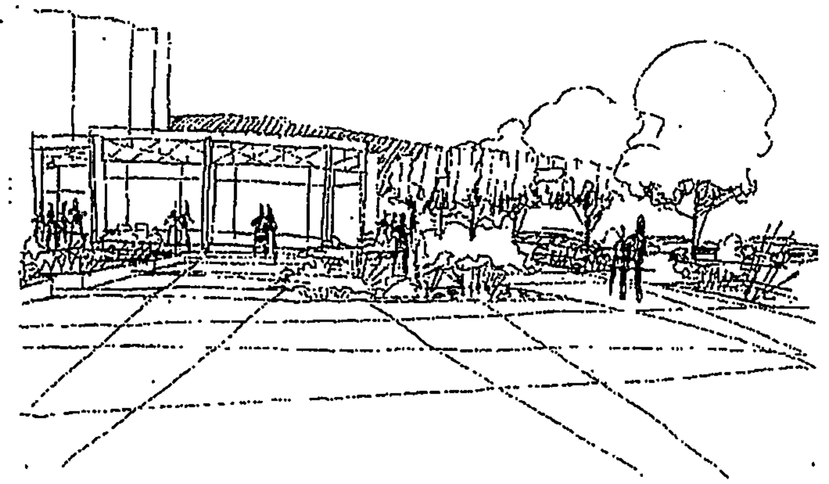
UPTOWN SPECTRUM
DRB SUBMITTAL

HRT UPTOWN II, LLC
A LIMITED LIABILITY COMPANY
500 Marquette, NW Suite 350
Albuquerque, New Mexico 87102

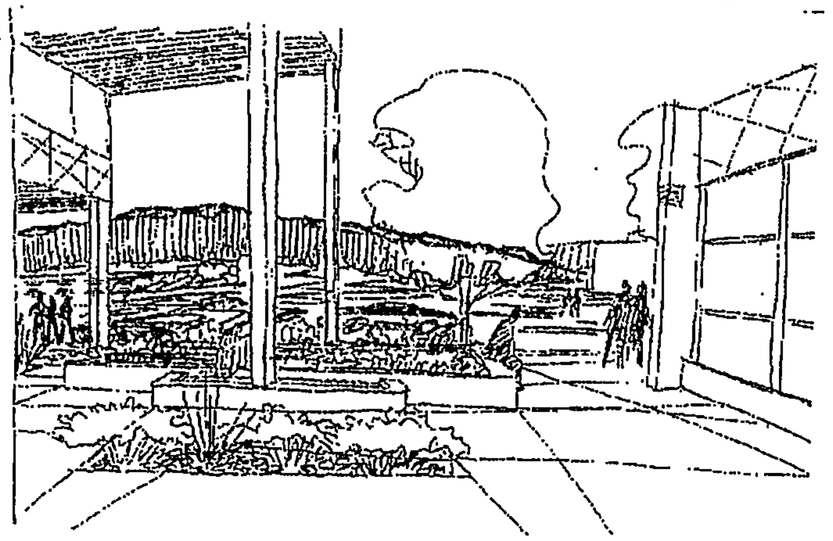
GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-9110 FAX (505) 837-9877

Building & Landscape Design Standards

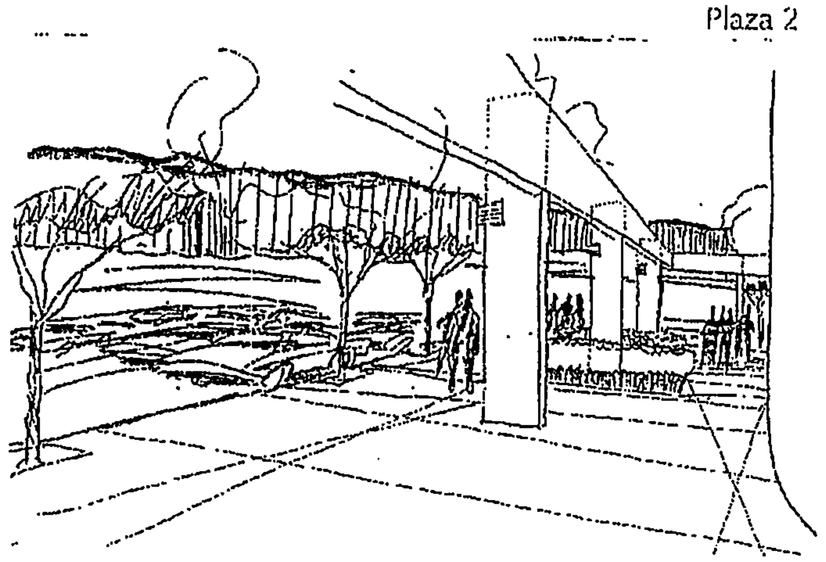
11-6-2002



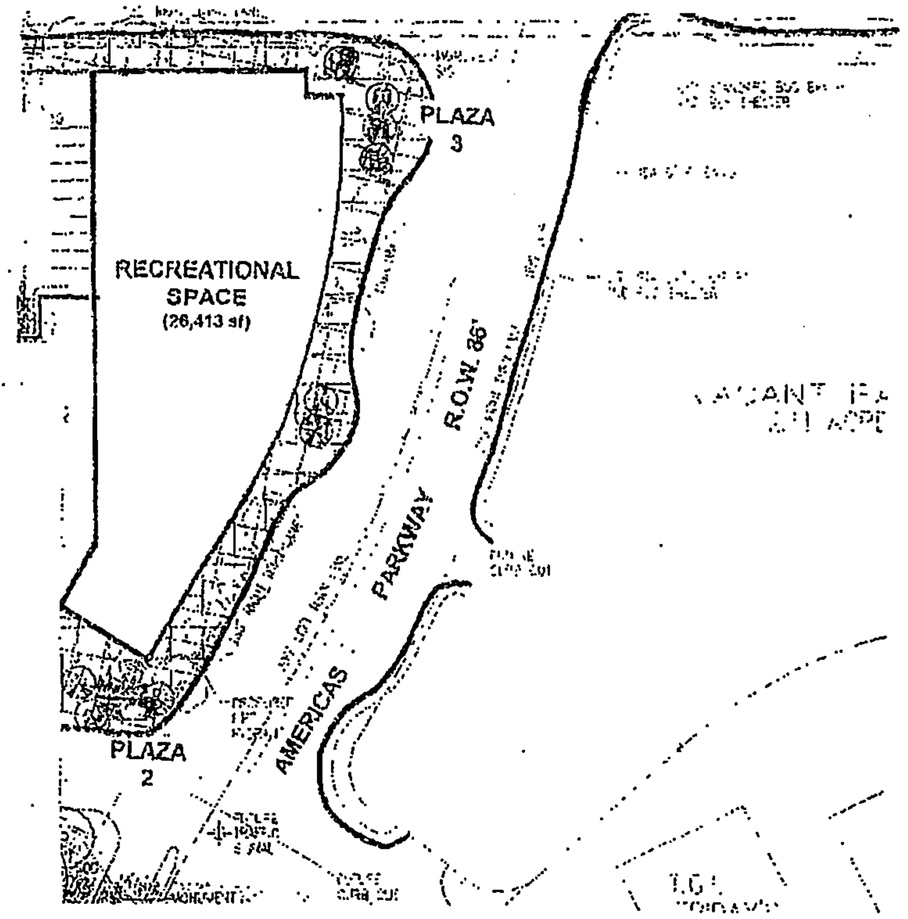
Plaza 1

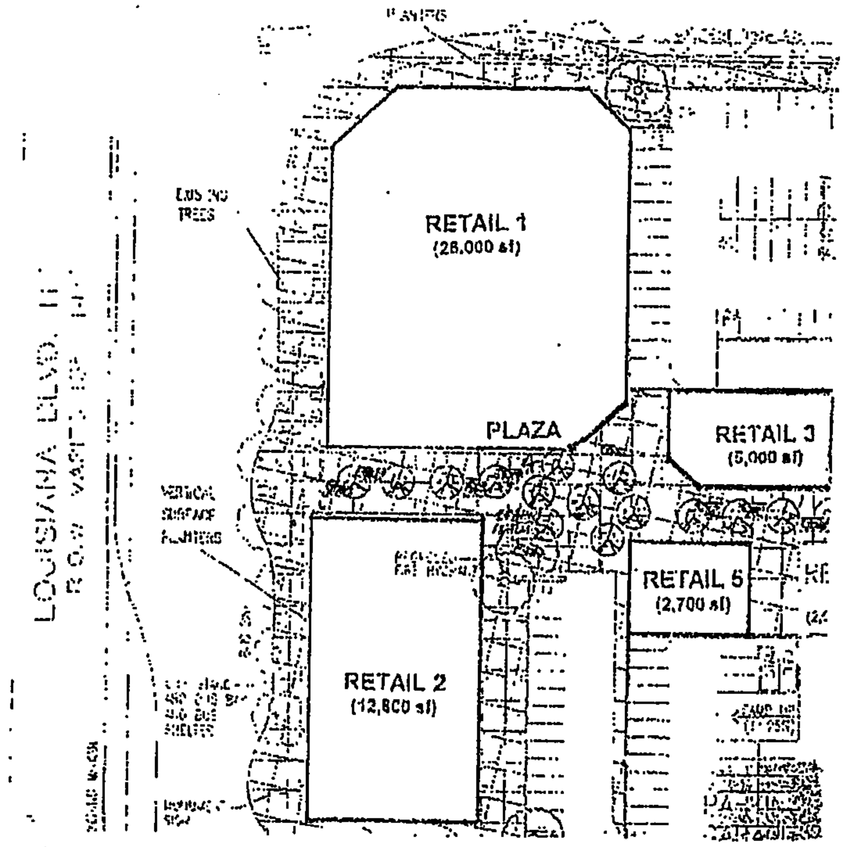


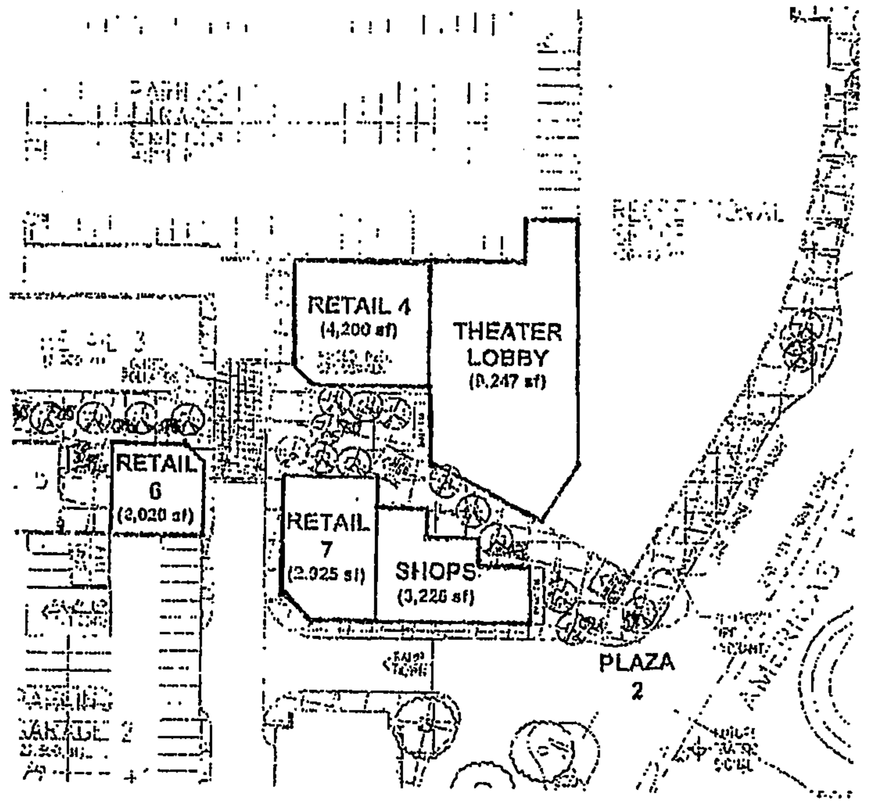
Plaza 2



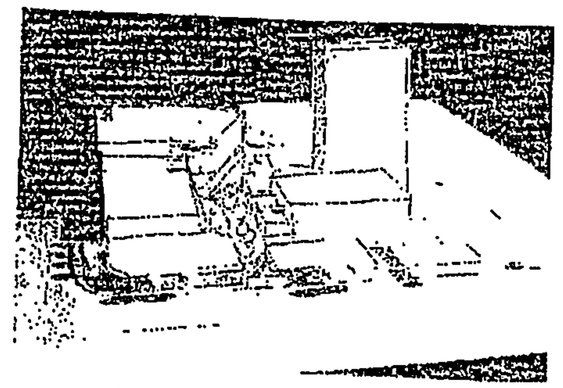
Plaza 3



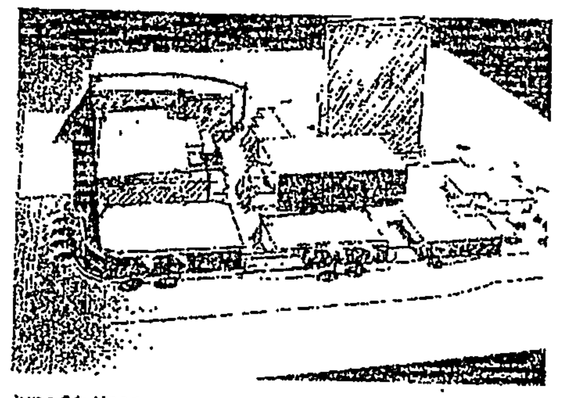




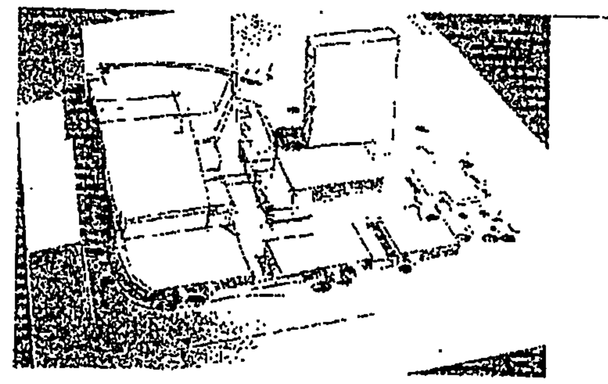
Perspectives
Plazas
Building Elements



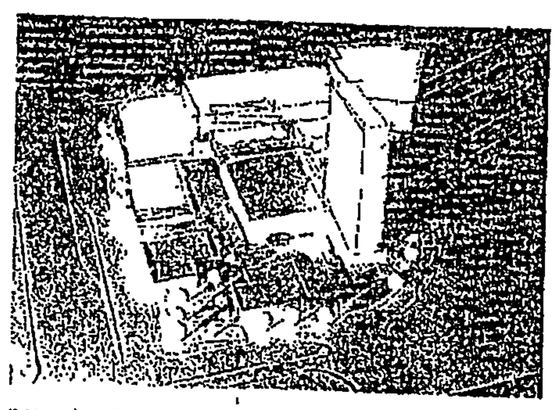
December 21: Noon



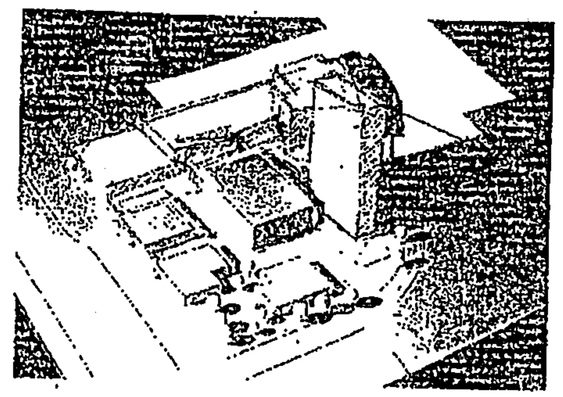
June 21: Noon



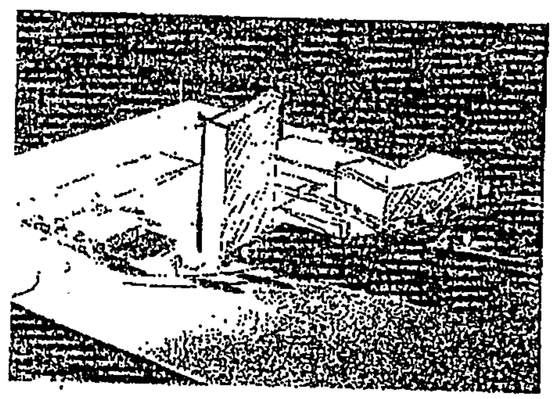
March 21/September 21: Noon



December 21: 4 p.m



June 21: 4 pm

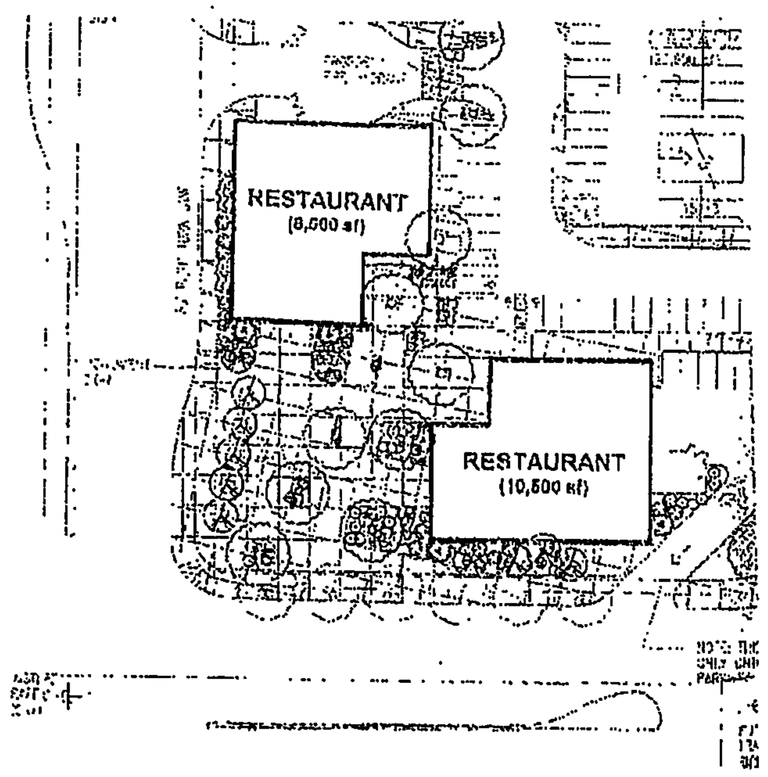


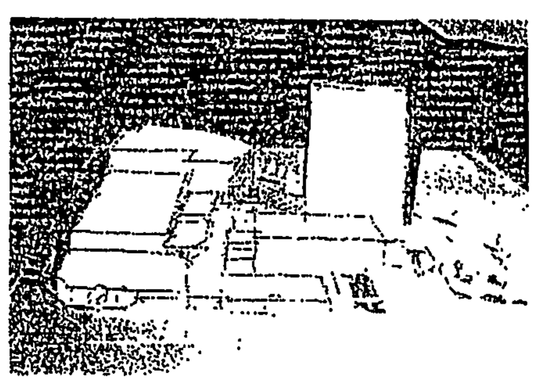
March 21/September 21: 4 pm

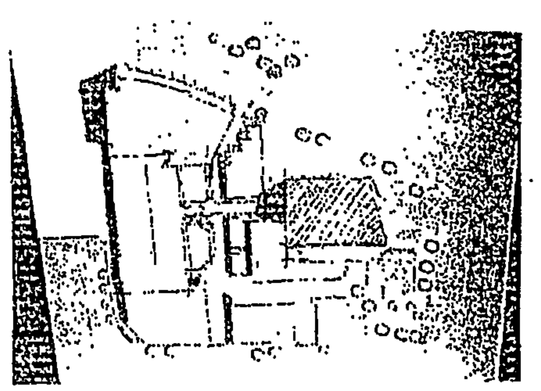
Solar Angles

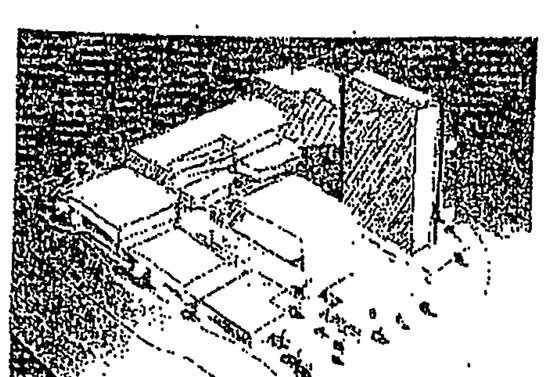
Solar Angles

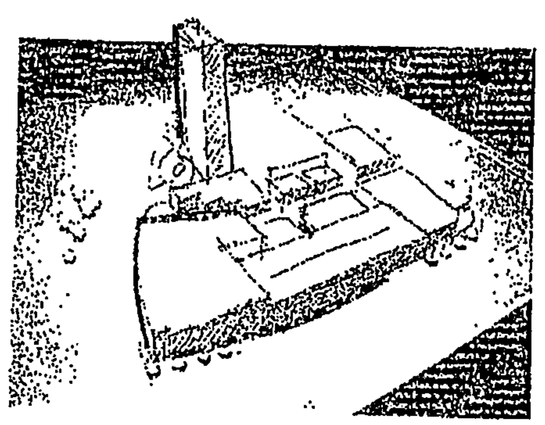
Solar Angles











Site Photos

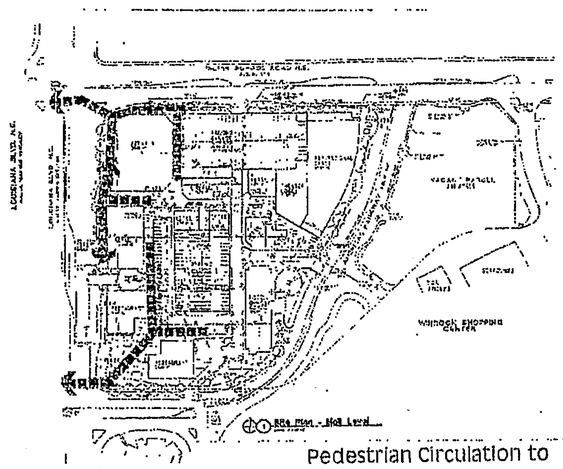
UPTOWN SPECTRUM
EPC SUBMITTAL

HUNT- UPTOWN, LLC
500 Marquette NW Suite 350
Albuquerque, New Mexico 87102

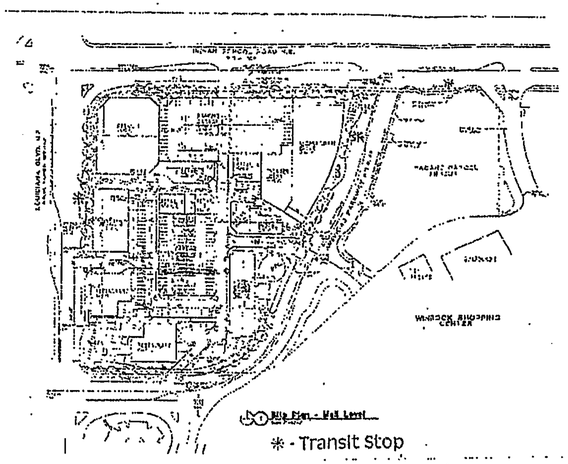
GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2326 SAN PEDRO NE, SUITE 2-3
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-8150 FAX (505) 837-9877

DESIGN ELEMENTS

11/08/2002
sheet 15 of 21

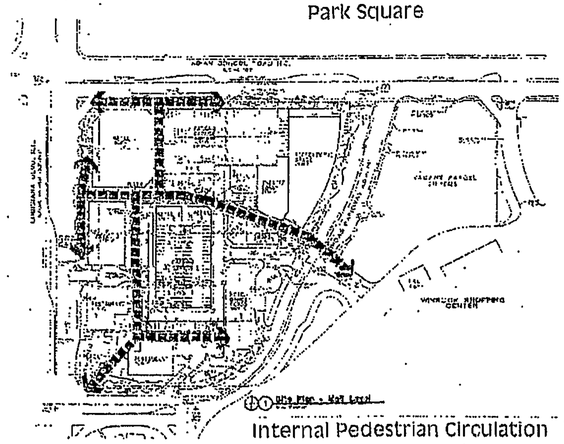


Pedestrian Circulation to Park Square

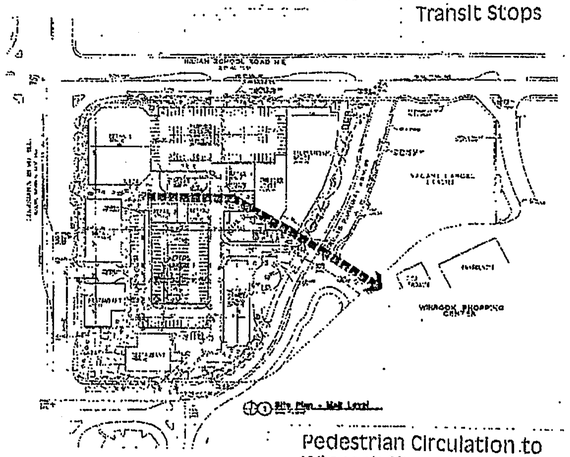


* - Transit Stop

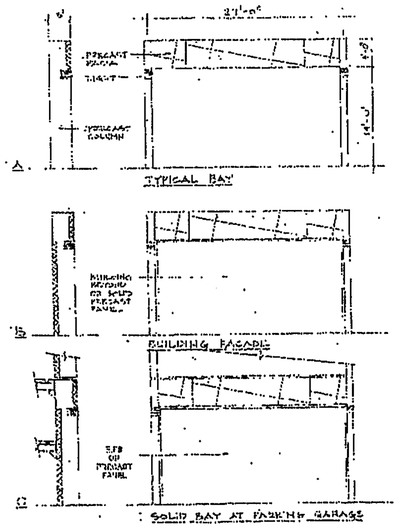
Transit Stops



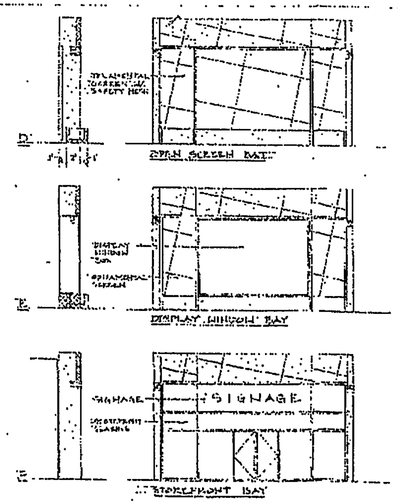
Internal Pedestrian Circulation



Pedestrian Circulation to Winrock Shopping Center



Portal or Precast Site & Building Components



Portal or Precast Site & Building Components

Information

MONTH	DIRECTION	AVERAGE	AVERAGE SPEED
MARCH	SE	10 MPH	77 MPH
JUNE	S	8.0 MPH	64 MPH
SEPT	SE	6.8 MPH	61 MPH
DEC	N	7.7 MPH	71 MPH

PREVAILING WINDS FOR YEAR FROM SE

Uptown Spectrum Prevailing Wind Patters

Precast	Buff or Cream, light to heavy sandblast finish
EIFS	Cool gray
Metal Screens/Grills	Silver and Red Oxide
Lights in Precast	Matte Black
Concrete Paving	Gray (std.) and Buff
Benches, Light Fixtures, Other Site Furnishings	Matte Black
Glass in Storefront	Clear or Light Gray
Glass in Mid-rise	Light Gray
Glass in Hotels	Light Gray

Colors

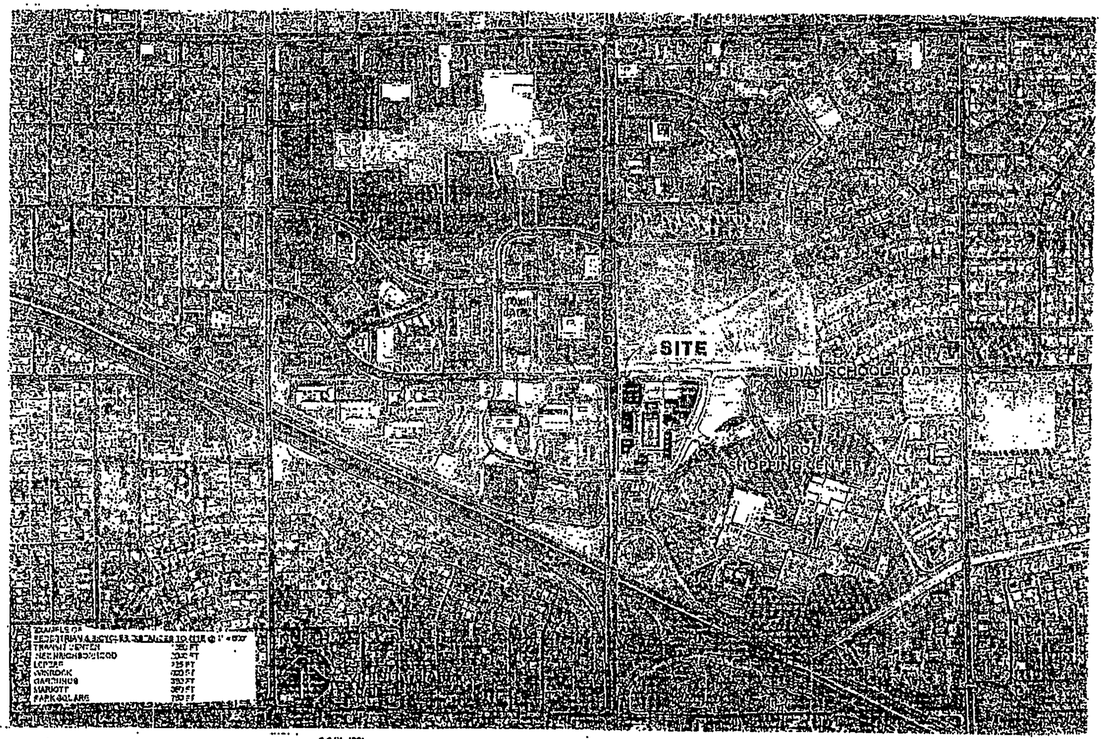
UPTOWN SPECTRUM
EPC SUBMITTAL

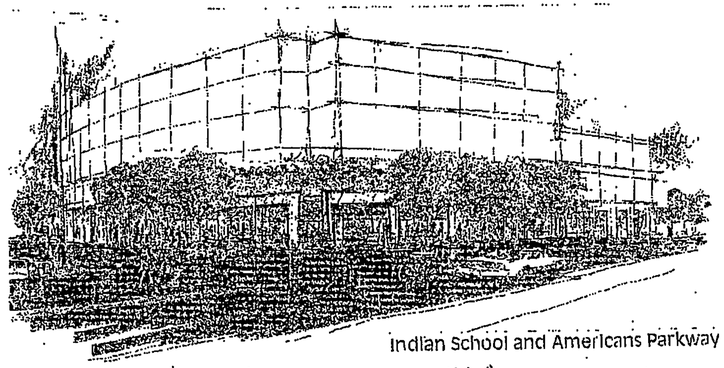
HUNT- UPTOWN, LLC
500 Marquette NW Suite 350
Albuquerque, New Mexico 87102

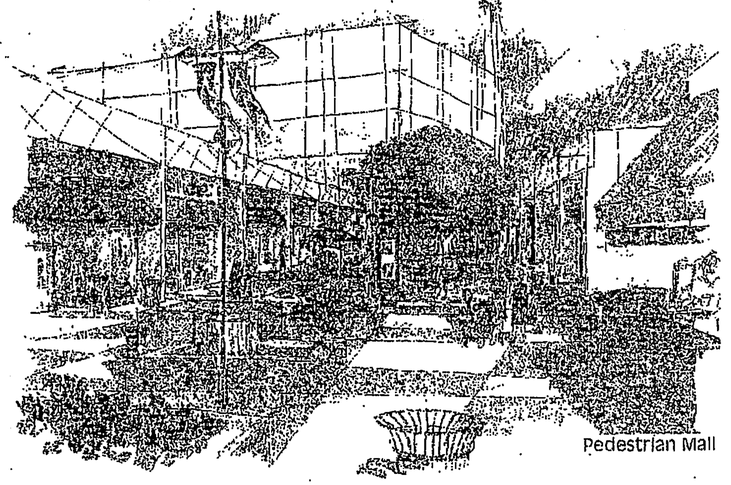
GEORGE RAINHART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-3110 FAX (505) 837-8977

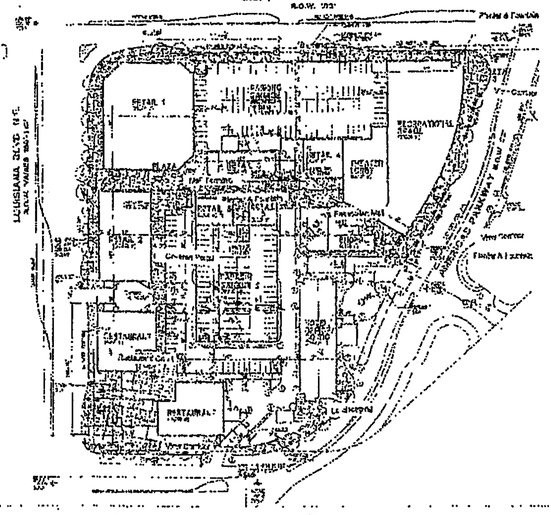
DESIGN ELEMENTS

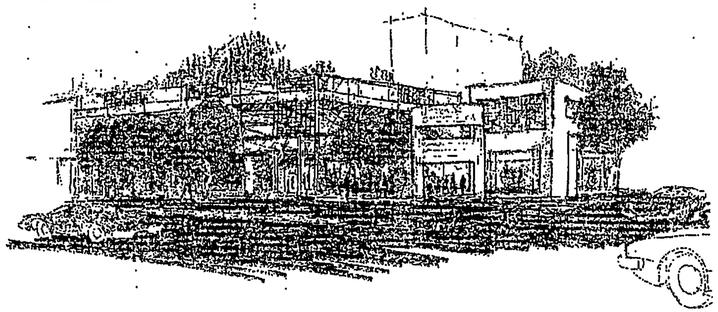
11/05/2002
sheet: 11 of 2-

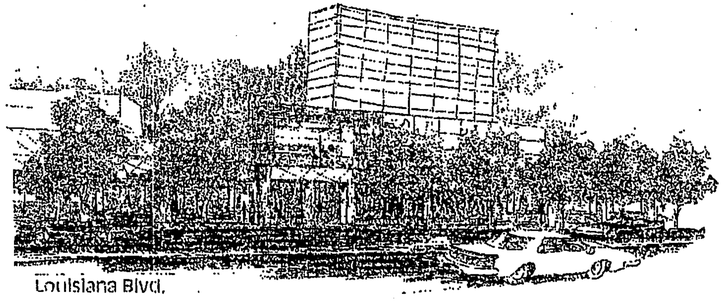


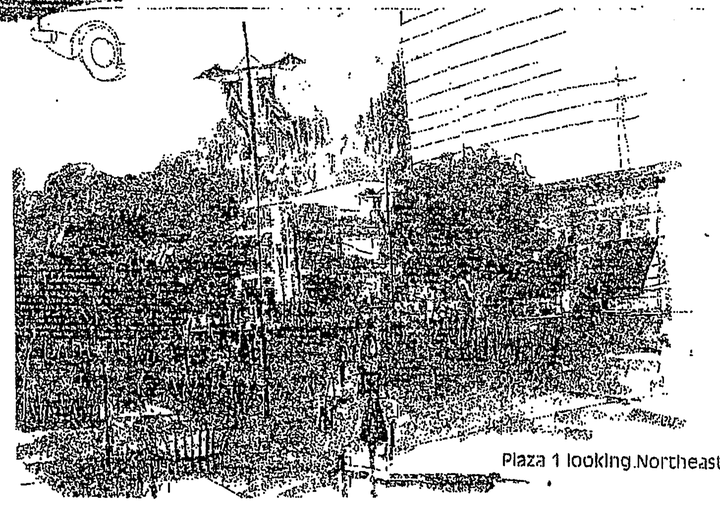

Indian School and Americans Parkway


Pedestrian Mall






Louisiana Blvd.


Plaza 1 looking Northeast

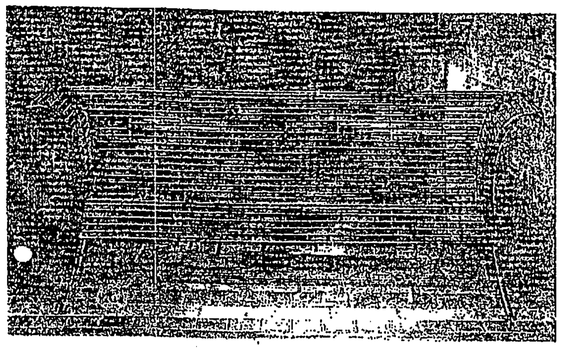
UPTOWN SPECTRUM
EPC SUBMITTAL

HUNT- UPTOWN, LLC
500 Marquette NW Suite 350
Albuquerque, New Mexico 87102

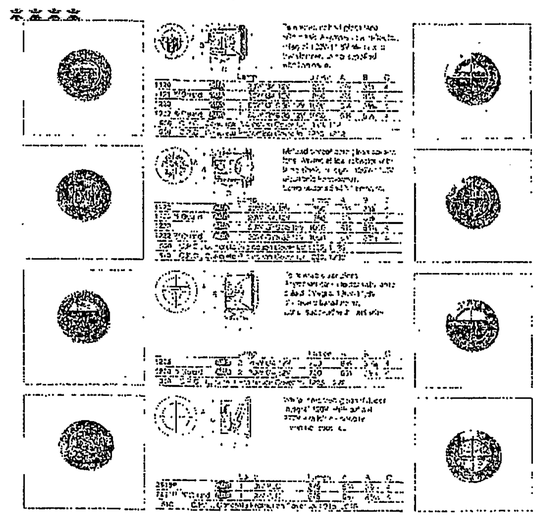
GEORGE RAU-HART, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-0110 FAX (505) 837-6877

DESIGN ELEMENTS

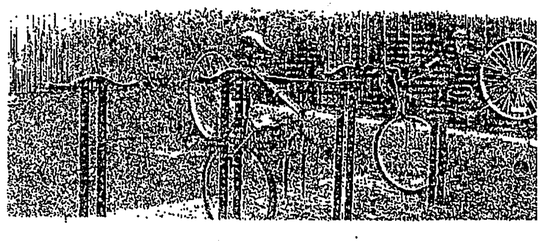
11/05/2002
sheet 2 of 31



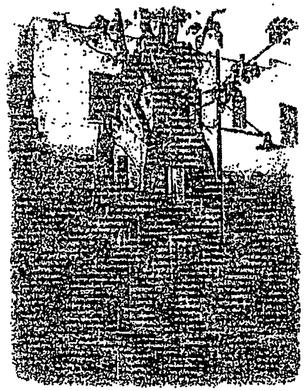
Bench



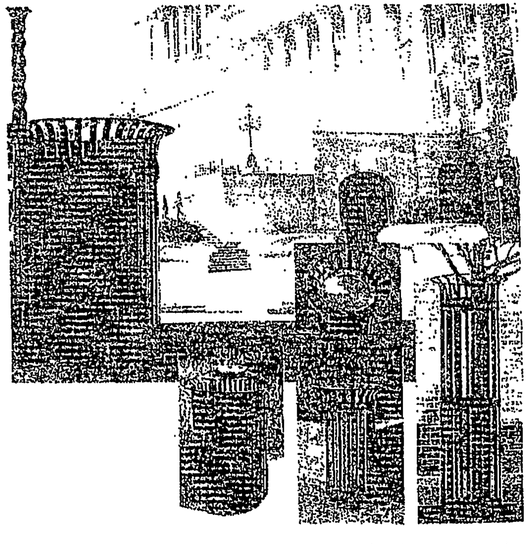
Recessed Lights



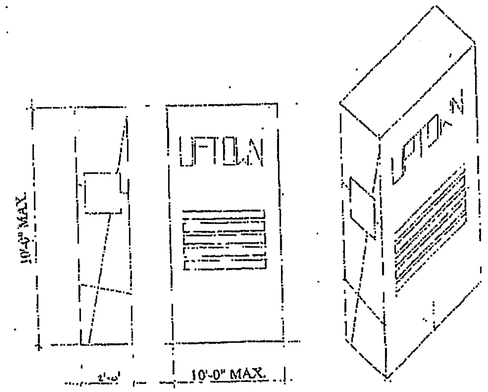
Bicycle Rack



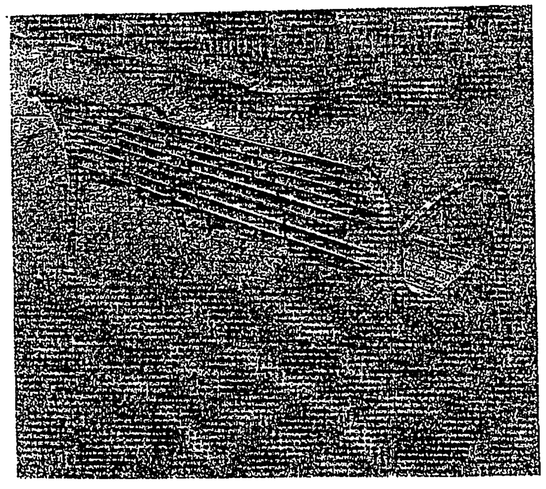
Tree Guards



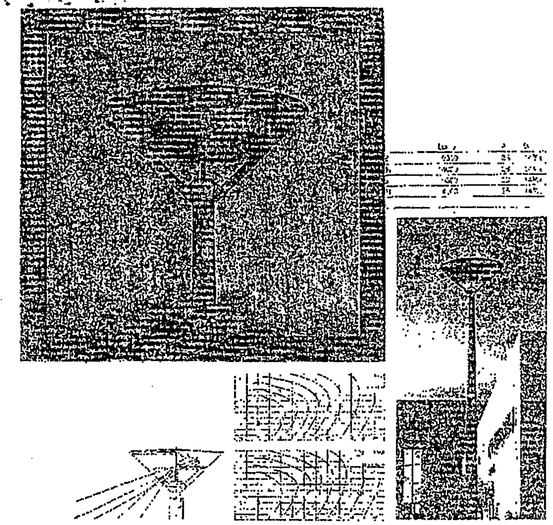
Trash Receptacles / Tree Guards



Monument Signage

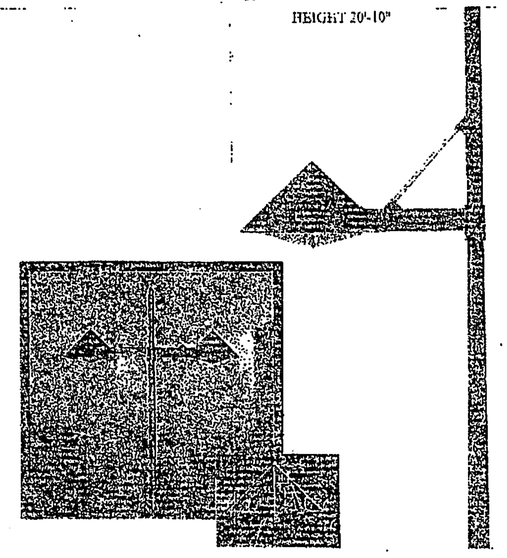


Bench



Pole Top Luminaires

FOR AREA LIGHTING ON PRIVATE PROPERTY
HEIGHT 20'-10"



Pole Top Luminaires

FOR PEDESTRIAN LIGHTING ON PRIVATE PROPERTY
HEIGHT 13'-5"

UPTOWN SPECTRUM
EPC SUBMITTAL

HUNT- UPTOWN, LLC
500 Marquette NW Suite 350
Albuquerque, New Mexico 87102

GEORGE NATHAN, ARCHITECT + ASSOCIATES P.C.
2325 SAN PEDRO NE, SUITE 2-B
ALBUQUERQUE, NEW MEXICO 87110
PHONE (505) 884-6110 FAX (505) 837-9877

DESIGN ELEMENTS

11/05/2002
sheet: 2 of 2

Site Furnishings